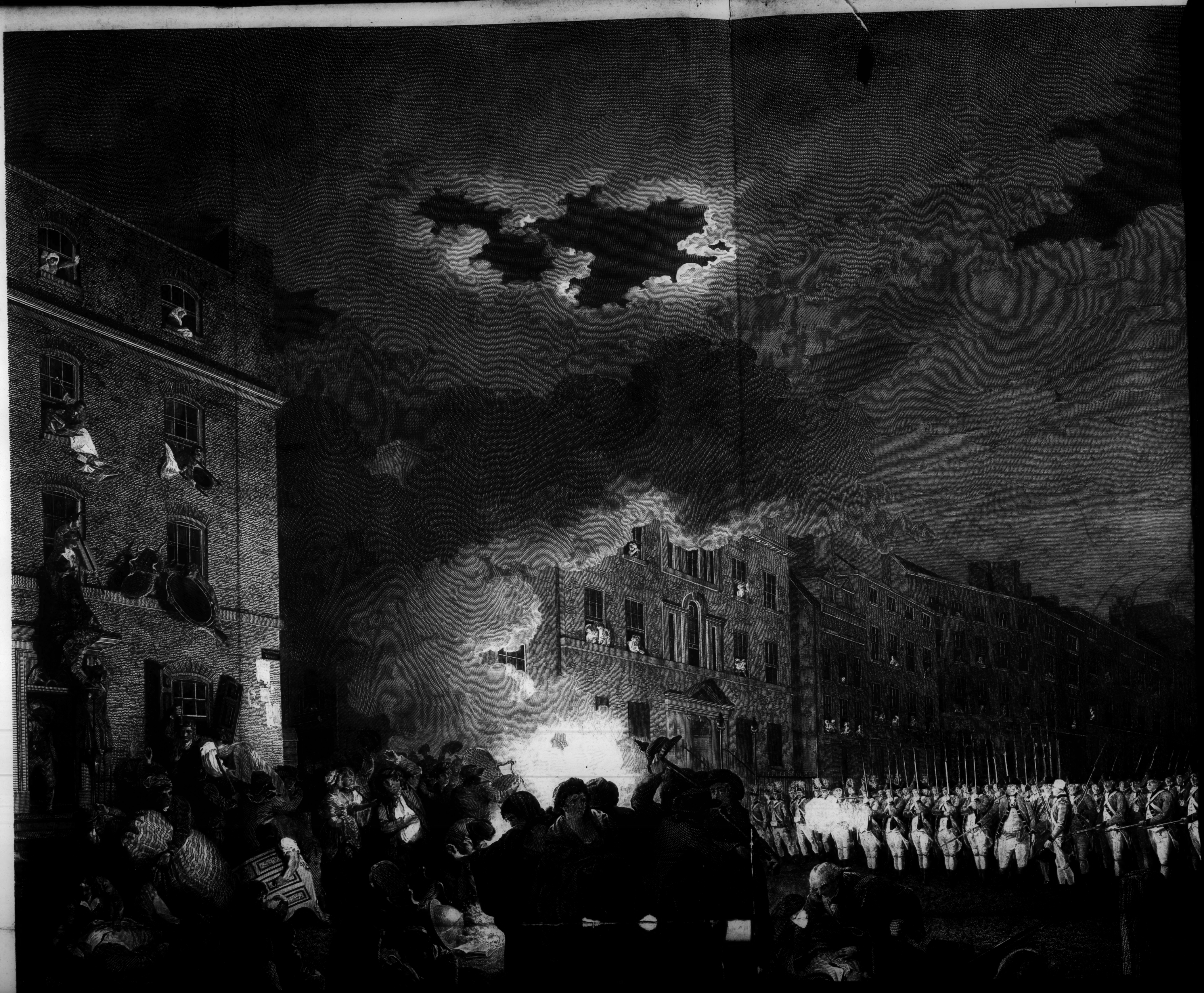




The R.^t HON.^{ble} L.^d G. GORDON.







Printed by Fra. Wheatley.

THE RIOT IN BROAD STREET,

To the Gentlemen of the London Light Horse Volunteers, and Military Foot Association.

Published Sep. 29. 1790. by J. & J. Boydell, Chesh.

ON THE SEVENTH OF JUNE 1,

This Memorial of their Patriotic Conduct, is Inscribed by

Wm. Kneller, the St. Dunstons Gallery Pall Mall London.





Engraved by Ja. Heath.

BROAD STREET,

Military Foot Association.

Published Sep. 29. 1790. by J. & J. Boydell, Chiswick.

ON THE SEVENTH OF JUNE 1780.

This Memorial of their Patriotic Conduct, is Inscribed by their obliged Servants—

John & Josiah Boydell.

Sold at the Shakespeare Gallery Pall Mall London.

THE
PROCEEDINGS at LARGE
ON THE
T R I A L
OF
GEORGE GORDON, Esquire,
COMMONLY CALLED
LORD GEORGE GORDON,
For HIGH TREASON,
IN THE
Court of King's Bench, WESTMINSTER;

BEFORE THE

Right Hon. WILLIAM, EARL of MANSFIELD, Lord Chief Justice,
EDWARD WILLES, Esq.

Sir WILLIAM HENRY ASHURST, Knt.

Sir FRANCIS BULLER, Knt.

On MONDAY and TUESDAY, *February* the 5th and 6th, 1781.

CAREFULLY COMPILED FROM THE SHORT-HAND WRITING OF

Mr. WILLIAM BLANCHARD;

AND REVISED BY THE SEVERAL COUNSEL CONCERNED.

L O N D O N :

PRINTED FOR THE EDITOR:

Sold by M. HARRISON, No. 2, *Red Lion Court, Fleet Street*; Mr. BLANCHARD, No. 4, *Dean Street, Fetter Lane*; Mr. BALDWIN, *Pater Noster Row*; Mr. ROBSON, *New Bond Street*; and all the BOOKSELLERS in *London and Westminster*.

MDCCLXXXI.

PROCEEDINGS OF THE

ROYAL SOCIETY

FOR THE IMPROVEMENT OF THE



OF THE

ROYAL SOCIETY

OF THE

ROYAL SOCIETY

OF THE

LONDON

PRINTED FOR THE EDITOR

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E R R A T A.

Page 17, col. 1, line 32, for "Col. Miles, Lord George, and myself,"
—read "Col. Miles. with Lord George, and *he* was, &c."

Ibid. col. 2, line 33, for "Mr. Lane that,"—read Mr. Lind ; they had.

Page 18, col, 1, line 7 from the bottom, for *to*,—read *from*.

Prge 23, col. 1, line 12, for *Prison*,—read *Prisoner*.

Ibid. line 8 from the bottom, for *Bread-street*,—read *Broad-street*.

A T A S A S

THE NATIONAL ANTHROPOLOGICAL ARCHIVES
WASHINGTON, D. C. 20560
1967
JUN 14 1967



T H E
P R O C E E D I N G S a t L A R G E
O N T H E
T R I A L
O F

G E O R G E G O R D O N, Esquire,

Commonly called LORD GEORGE GORDON,

For H I G H T R E A S O N,

On MONDAY and TUESDAY, *February* the 5th and 6th, 1781.

L I S T o f t h e J U R Y.

THOMAS COLLINS, of Berner's Street, Esq.
HENRY HASTINGS, of Queen Anne Street, Esq.
EDWARD HULSE, of Harley Street, Esq.
EDWARD POMFRET, of New North Street, Esq.
GEDALIAH GATFIELD, of Hackney, Esq.
JOSEPH PICKLES, of Homerton, Esq.
EDWARD GORDON, of Bromley, Esq.
MARMADUKE PEACOCK, of Hackney, Esq.
FRANCIS DEGON, of Hammer Smith, Esq.
SIMON LE SAGE, of Hammer Smith, Esq.
ROBERT ARMITAGE, of Kensington, Esq.
JOHN RIX, of Whitechapel, Esq.

I N D I C T M E N T.

Middlesex. **T**HE Jurors for our Lord the King, upon their oath, present, That George Gordon, late of the parish of St. Mary le Bone, otherwise Marybone, in the county of Middlesex, Esq. commonly called Lord George Gordon, being a subject of our said Sovereign Lord George the Third, by the grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. not having the fear of God before his eyes, nor weighing the duty of his allegiance, but being moved and seduced by the instigation of the devil, and entirely withdrawing the love and true and due obedience, which every subject of our said Sovereign Lord the King should, and of right ought to bear towards our said present Sovereign Lord the King, and wickedly devising, and intending to disturb the peace and public tranquillity of this kingdom, on the second day of June, in the twentieth year of the reign of our said Sovereign Lord the now King, at the parish of St. Margaret, within the liberty of Westminster, in the said county of Middlesex, unlawfully, maliciously, and traiterously, did compass, imagine, and intend to

raise and levy war, insurrection, and rebellion, against our said Lord the King, within this kingdom of Great Britain, and to fulfil and to bring to effect the said traiterous compassings, imaginations, and intentions, of him the said George Gordon, he the said George Gordon afterwards (that is to say) on the said second day of June, in the twentieth year aforesaid, with force and arms, &c. at the said parish of St. Margaret, within the liberty of Westminster, in the said county of Middlesex, with a great multitude of persons, whose names are at present unknown to the jurors aforesaid, to a great number, to wit, to the number of five hundred persons and upwards, armed and arrayed in a warlike manner; that is to say, with colours flying, and with swords, clubs, bludgeons, staves, and other weapons, as well offensive as defensive, being then and there unlawfully, maliciously, and traiterously assembled and gathered together, against our said present Sovereign Lord the King, most wickedly, maliciously, and traiterously did ordain, prepare, and levy public war against our said Lord the King, his supreme and undoubted Lord, contrary to the duty of his allegiance, against the peace of our said Lord the King, his crown and dignity, and also against the form of the statute in such case made and provided. And the Jurors aforesaid, upon their oath aforesaid, further present, That the said George Gordon, being a subject of our Sovereign Lord George the Third, by the grace of God of Great Britain, France, and Ireland, King, Defender of the Faith, &c. not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, and entirely withdrawing the love and true and due obedience, which every subject of our said Sovereign Lord the King should, and of right ought to bear towards our said present Sovereign Lord the King, and wickedly devising, and intending to disturb the peace and public tranquillity of the said kingdom, afterwards, to wit, on the said second day of June, in the twentieth year of the reign of our said Sovereign the now King, and on divers other days and times, between that day and the tenth day of the same month of June, at the said Parish of St. Margaret, within the liberty of Westminster, in the said county of Middlesex, unlawfully, maliciously, and traiterously, did compass, imagine, and intend to raise and levy war, insur-

rection, and rebellion, against our said Lord the King, within the kingdom of Great Britain, and to fulfil and bring to effect the said last-mentioned traitorous compassings, imaginations, and intentions of him the said George Gordon, he the said George Gordon, on the said second day of June, in the twentieth year aforesaid, and on divers other days and times, between that day and the tenth day of the same month of June, with force and arms, &c. at the said parish of St. Margaret, within the liberty of Westminster, in the said county of Middlesex, with a great multitude of persons, whose names are at present unknown to the jurors aforesaid, to a great number; to wit, to the number of five hundred persons, armed and arrayed in a warlike manner, that is to say, with colours flying, and with swords, clubs, bludgeons, staves, and other weapons, as well offensive as defensive, being then and there unlawfully, maliciously, and traiterously assembled and gathered together, against our said present Sovereign Lord the King, most wickedly, maliciously, and traiterously, did ordain, prepare, and levy public war, against our said Lord the King, his supreme and undoubted Lord, contrary to the duty of his allegiance, against the peace of our said Lord the King, his crown and dignity, and also against the form of the statute in such case made and provided.

Mr. NORTON opened the Indictment.

May it please your Lordship, and you Gentlemen of the Jury,

THE noble prisoner at the bar, George Gordon, Esq. commonly called Lord George Gordon, stands indicted for High Treason, in intending to levy war against his present Majesty, within the kingdom of Great Britain. The indictment farther states, that the prisoner, to effect this traitorous intention, did, upon the second of June last, and at divers other times between that day and the tenth of the said month, at the parish of St. Margaret, within the liberty of Westminster, in this county, with a great multitude of persons, armed and arrayed in a warlike manner, with weapons offensive and defensive, and with colours flying, being then and there unlawfully and riotously assembled, most wickedly, traiterously, and maliciously did levy war against our Sovereign Lord the King, contrary to the duty of his allegiance, against the peace of our said Lord the King, his crown and dignity, and against the form of the statute in that case made and provided. To this indictment the prisoner has pleaded Not Guilty, and put himself upon his trial. We, who are of Counsel for the Crown, shall call our witnesses in support of the prosecution; and if their evidence shall prove the charge to your satisfaction, then, Gentlemen, it will be your duty, under the direction of the Court, to find the prisoner Guilty.

Mr. ATTORNEY GENERAL.

May it please your Lordship, and you Gentlemen of the Jury,

I am likewise of Counsel in support of this prosecution against the prisoner at the bar, upon this indictment, which imputes to him a crime of the highest class of offences known to the law of this country, that of High Treason. And the particular species of high treason you find from the indictment, is levying war against the King within this realm. Gentlemen, the offence of levying war, within the act of the 25th of Edw. III. is of two sorts; the one, directly and immediately against the person of the King; the other, which is called constructive levying war, is against the Majesty of the King, as where there is an insurrection of a great and numerous multitude, to carry and effect by force and numbers the alteration of the established law of the country; to redress national grievances, or to reform any evil, real or imaginary, in which the insurgents have no particular or special interest. Gentlemen, it is the constructive levying of war with which the prisoner at the bar stands accused by this indictment. You who reside in this county are not strangers to the occasion of this prosecution. In the latter end of the year 1778, an act was passed, repealing certain provisions of an act affecting Roman Catholics, made in the eleventh and twelfth years of the reign of King William III. By the statute of King William, every Popish Priest exercising any part of his function in this country, was liable to perpetual imprisonment; and every per-

son of the Popish Religion, keeping a school, or educating youth, was liable to the same punishment. And, by another part of the act, the estates coming to Roman Catholics, by descent, devise, or limitation, from their ancestors, parents, or others, could not be possessed by them immediately and directly, unless they took oaths, and subscribed a declaration, which, by their religion, they could not do; but the estates were to go immediately over to the next of kin, being Protestants, leaving them and their families to starve. There was another provision respecting estates too, which made them incapable of taking them by purchase, from any person whatsoever. This act of Parliament, containing such severe penalties and punishments, could only be justified, as I conceive, by the necessity of the case, the salvation of the State, and of our religion; for it is the height of severity, to punish men who are serving God in their own way, or discharging one of the most important duties of society, the education of youth, should undergo a confinement in a loathsome prison for their lives, in the society of the worst and most profligate part of mankind. The other part of the act was extremely severe, which deprives a man of his birth-right and inheritance. One can scarce suppose acts of such severity to be justified by any thing but absolute necessity. The history of the times don't furnish any ground of necessity, or any apology for the act. We have an account of it by a very learned person of that time, a member of Parliament, Bishop Burnet. It was the effect of party faction against the Court. It was brought into the House, in order that the Court party might reject the bill, and that they might fix an odium upon them for that measure. Those who brought in that bill did not wish, or mean it to pass; but they were disappointed in their views, for the Court gave no opposition to it. The party wished to drop it; and Bishop Burnet says, they added very severe and unreasonable clauses to the bill, and sent it up to the House of Lords, in hopes that House would reject it. In that they were also disappointed, for it passed the House of Lords. The passing that bill, with those severe penalties and punishments I was speaking of, was the mere operation of faction. It was too much, in my opinion, for any party or faction to stake upon their game the liberties and fortunes of others.

Gentlemen, the Roman Catholics submitted to this very severe law; they expected, no doubt, Parliament would see the hardships in which they were involved by these provisions, and would themselves give redress. They made no application; the penalties and punishments, appeared to every body so extremely severe, that very few prosecutions were brought upon this act. In my own time, I only remember one: If I recollect right, it was against a person for officiating in a house somewhere about Wapping, to some foreign sailors, for which he was doomed to perpetual imprisonment. But they were still liable to private extortionary demands, which they yielded to, to avoid prosecution, or that they might have the liberty of enjoying what long had been in their families, and descended to them. This law remained in the statute book, but scarcely put in execution; though sufficient to keep up perpetual alarm till the year 1778, when an act of Parliament was brought into the House, to relieve the Roman Catholic subjects from these particular provisions. The propriety of the measure, and the justice of it, the circumstances of that repeal pretty plainly evince. The bill was brought in by a member of the House of Commons, who is distinguished for his love of the civil rights of mankind, and for his firm and zealous attachment to the Protestant Religion; and who, besides, possesses every public and private virtue that can adorn a citizen and a man—I mean Sir George Saville. It passed through the House of Commons with almost an unanimity. The opposition made to it, was not to the principle of the bill, but that it did not go far enough in the redress; it was thought right they should be relieved from other penalties. Gentlemen, I must let you know, at the time of passing this act, the Roman Catholics stood by law excluded from any share of government, and from any office of trust, military or civil; and the persons performing any part of the functions of Priests, or teaching of schools, were liable to many pecuniary penalties, and, in some instances, to imprisonment for one year. The law stood so at the time of making the act of Parliament, when these additional punishments were inflicted.

Gentlemen, after passing the repeal, which did not extend to all persons affected by the statute of William, but was conditional and restrained to those who should take an oath established by that act, containing the strongest assurances of their loyalty and affection to the King and Government, and of their steady support of it, and a renunciation, in the most explicit terms, of every pretender to the crown and government of this kingdom; and besides, a positive renunciation of any authority of the See of Rome, in civil or temporal cases, in this kingdom. None could

could receive the benefit of this repeal, who did not give the public that pledge.

Upon passing this act, many Roman Catholics of the first families in this kingdom, and others of all descriptions, came in to give that pledge to Government which the act required; no person seemed dissatisfied; every body were contented. But in the winter following, it was supposed that a bill would be brought into Parliament, to take off some penalties which were inflicted by the laws of Scotland upon the Roman Catholics of that country. In the beginning of February we received accounts from Edinburgh, published in every news-paper, of a most violent insurrection in that country by a mob, to put an end to the attempt to carry such measures into a law. It appeared from those accounts, that upon the second of February, an insurrection happened in the city of Edinburgh. Two Roman Catholic Chapels, in distant parts of the town, were attacked, set on fire, and demolished. The utmost exertions of the Civil Magistrates, assisted with some Fencibles upon the spot, could not put an end to the insurrection; when they resorted to one place, they found an attack in a distant quarter. Houses of Roman Catholics were also demolished, and the furniture and effects destroyed; and no check could be given to the violence and outrage, until the Lord Provost gave assurance that the design of a bill was dropped; and, thus, a measure was defeated which, in the opinion of many, was proper and just.

Gentlemen, I took notice of this insurrection in Scotland, because, when I come to state to you the conduct of the prisoner at the bar, it will appear to be a very material circumstance. Things remained for some time afterwards, and until an association was formed, called the Protestant Association, which every one of you have heard of, and where pains was taken to create a belief that the repeal was attended with evident danger to the State and the Protestant Religion. Upon that ground it seems a petition was determined upon, and if they thought it necessary, they did right to petition. It is the inherent birth-right of every subject to petition Parliament; and whenever they imagine a case proper for the consideration of Parliament, they do right to bring it before them. I believe this petition was intended to be presented in a legal, constitutional, and proper manner. Gentlemen, you will find, that upon the second of June, in consequence of public advertisements, posted up at the corners of the streets, and from hand-bills, there was collected together in St. George's-fields, a multitude of people, or more properly a very large army, of many thousands, (the particulars you will hear from the witnesses) twenty, thirty, or forty thousand, under the pretext of presenting a petition to Parliament. Though it is the birth-right of every subject to present a petition, yet the petitioners are not to take from Parliament their deliberation and judgment upon the subject. They are not to dictate what Parliament shall do; that directly tends to the subversion of government. This body of men were arranged, according to the direction of the advertisement, into three or four divisions. The London division was directed to the right; the Scotch to the left; and the Southwark and Westminster in other quarters. One division, consisting of many thousands, marched over London-bridge, through the city, down the Strand, and so to the Parliament-house, with colours flying, distinguished by blue cockades, making a march as regular as an army. There were bagpipes attending the Scotch division. In this way they marched to the Parliament House; they arrived about one o'clock; they took possession of all the avenues to the House, and of the lobby. With the utmost difficulty could the members get admittance into the House, and some of them in coming down were ill treated by the populace, as an example, I presume, to the rest, if things were not done according to the wishes of the mob. The petition was presented. They were desired to withdraw, when the legal constitutional purpose was answered. They would not stir, but, with great riot and confusion, insisted upon a repeal of the act, and the cry was, *a Repeal, a Repeal; no Popery!* The civil power was sent for to disperse them; their attempts were in vain, for they still kept possession. They besieged the House, and kept the members imprisoned; and thus they continued till between nine and ten at night, when the civil power, with the assistance of the military, were able to deliver the House of Commons from the disgraceful situation in which they were to that time, and must have been confined till they had granted the prayer of the petition. As soon as the House was delivered, they ordered the petition to be considered, and adjourned to the Tuesday following; but the mob not having succeeded there, they immediately went to, and attacked the Ambassadors Chapels, which, in every civilized country, are protected and deemed sacred from insult. Some of the mob were apprehended, about thirteen, that night and the next morning. On Saturday the mob paraded in different parts of the town, but I don't find much mischief was

done. Upon Sunday they appeared in Moorfields, they attacked a chapel in that neighbourhood, and the houses of many Roman Catholics, situated thereabouts. They pulled down the houses, took the furniture out, and burned it; and completely demolished the houses and effects of those poor unfortunate people. Gentlemen, I only state the operations in general, because I am convinced many of you were witnesses to what I am now mentioning. Upon the Monday, the men who were taken up, were examined at Sir John Fielding's, five of them were committed to Newgate; they were examined under the apprehension of a rescue, by violence, from the people that were assembled without the door, and it was with difficulty they were conducted by the guards. But as soon as they were lodged in Newgate, the mob made an attack upon the house of a Mr. Rainsforth, who had been active in apprehending the men committed, and had been a witness against them. They made an attack likewise upon the house of a Mr. Maberly, another witness; and they did other mischief that night. Next day, being Tuesday, when Parliament was to meet again, all the parts of this army re-assembled about the House. They there continued with great riot, confusion, and shouts, for a *Repeal*, and *no Popery*. The House was obliged to adjourn. After this, the first attack was made upon the house of a Mr. Hyde. The offence given by Mr. Hyde, was partly his attendance upon the Justices on the Monday; but, principally, for his activity as a magistrate, in saving the life of Lord Sandwich, who was violently attacked in going to attend his duty in the House of Peers. They ransacked the house, set on fire the furniture, and totally demolished every thing they could reach. They were accompanied with their flags. Immediately they went to Newgate, which they attacked. They burnt the keeper's house, they broke the prison, and in a very short time delivered all the prisoners confined in that place, which, for its strength, seemed to me to be equal to a prison in the center of the earth. They attacked many houses of Roman Catholics, which they burnt and destroyed. Upon the Wednesday, they opened all the prisons in and about this metropolis, with an exception of the Compter, and let out all the prisoners. They continued their proceedings, without controul or check, till some time the next morning. During that night, the flames appeared in every quarter. In short, nothing was expected less than a general conflagration. The next day they meditated an attack upon the Bank, and, I believe, upon the Pay and Excise Offices; when his Majesty, by the most unremitting exertions, had been able to collect together a force which gave them a check. Gentlemen, every body, I believe, thinks if a check had not been given at that moment, the whole of this town would have been destroyed in a very little time. Though this was the case upon a pretence of relief against the Bill, and notwithstanding their cry of *No Popery*, yet distinctions would soon have vanished; the reputed Papists, or the friends of the Papists, and every one that had not the least connection with them, if obnoxious to the mob, would have fallen in their turn. And it was a matter of astonishment to me, that the whole town was not burnt before that period; for, consider the number of Roman Catholics in the manufactures and the most laborious employments in this town; had they interposed in the defence of their innocent brethren who had been attacked, what must have been the consequence? A bloody war must have been the case; and if the attack upon the houses had been returned, and one does not know what men would have done under such circumstances, the whole of this town, even before the military could have come in to have quelled this riot, would have been in a conflagration. Gentlemen, the execrable designs of our inveterate enemies appeared in the proceedings of this mob. What was intended by the opening of the prisons? What was the meaning of the attack upon the national credit, the Bank of England? Was that upon the ground of Popery, or for the repeal of this Bill? Other circumstances concurring, leave no doubt that greater and more destructive and horrid designs were formed than at first appeared, or were expected by the public. Gentlemen, having stated the general outlines of the violences committed during those few days, to the eternal disgrace of this country, which can never be wiped off, it remains for me to state to you what share the prisoner at the bar had in these detestable violences. There can be no doubt that every man who contributed in any degree is as criminal as the persons perpetrating them. Gentlemen, you have now before you, as will appear from the evidence, the author of all these tumults, and to whom the whole is to be ascribed; an offender of such a description as seldom has appeared in a court of justice. Gentlemen, I have already taken notice of the Protestant Association; but I have not mentioned to you before, that the prisoner at the bar was the President of that Association. I have great reason to believe it will come out before this day is over, that some of the Association meant to submit their apprehensions

to parliament, willing to leave them to their consideration and judgment, and to present their Petition in an orderly form and a constitutional way, attended by very few. This measure did not square with the views of their President. Their President had been in Parliament, he had observed the sentiments of men upon the subject of this Repeal; and knew it was impossible immediate relief could be given, for the subject required consideration, whether any circumstances had arose to shew the danger apprehended was a matter of enquiry; difficulties were thrown upon the business; the bill had invited the Roman Catholics to give a pledge of their fidelity, which they had done, as the condition of enjoying that degree of freedom from penalties held out by the act. But no delay could be admitted; the Session of Parliament was near expiring. The prisoner at the bar advertised for a general meeting, and proposed a numerous attendance on this petition, to the general meeting; all might come that pleased. The proposal was no sooner made than immediately assented to; there are people in this town who cannot exist without an opportunity of plunder. Gentlemen, The prisoner upon this declared, that he would not present the petition unless he was attended by twenty thousand people. Was there ever such an idea struck any man that meant well to the peace and tranquility of the country? He would not present it without he was attended by twenty thousand people, and they were to be marked and distinguished by cockades, that they might know the friends to the petition, or friends to the Protestant Cause. Is a cockade to be the sole test of adherence to any good cause?—Every man that came there with a cockade, whatever his views were, was considered as a friend to the Protestant Cause. There was no other distinction of this body of petitioners but having the cockades in their hats. He then gave directions for the march in divisions; a General could not make a better disposition of his army; the London and Scotch over London-bridge, the Westminster and Southwark were to come another way. It struck many that the method of marching proposed, must be attended with tumult and breaches of the peace at least; the very collection of such a number of men was a very dangerous measure; but, to take off every apprehension of that kind from those who attended, he bid them recollect what the Scotch had done; that they had prevented the bill extending to them, by firm conduct. To recommend to this body of twenty thousand men the firm conduct of the Scotch, which consisted in the most violent insurrection and tumult ever known in the city of Edinburgh; where the Catholics had committed no fault, had applied for no redress. Is a multitude of men not capable of taking the hint? It would have been too much for the prisoner to have said, Gentlemen, go and pull down all the houses of the Catholics? That would have been too gross, the civil magistrate would have interposed; but he said, recollect what the Scotch did by their conduct, and he added, he did not desire them to run any danger which he was not ready to share with them; and that he would meet them there, and was ready to go to the gallows in their cause. Greater encouragement could not be given; they looked up to him as a man of education and of high birth; they might not suspect at that time he was drawing them into any snare, when he offered and pledged himself, that he would even go to the gallows, but he would do the business. Gentlemen, He published an advertisement for the meeting of these people, and though he mentioned only twenty thousand, he had an expectation of a much larger army. The advertisement I will read to you:—"Protestant Association. Whereas no Hall in London can contain forty thousand men, Resolved, that this Association do meet on Friday next.

Court to the Jury. You should not take notes of this from the Attorney General's opening, till it is given in evidence.

Mr. Attorney General. Gentlemen, I only open according to my instructions; witnesses will be called to the different facts. I do not pledge myself for the proofs of them; God forbid any thing I should state should turn to the prejudice of the prisoner at the bar if not proved. Gentlemen, The first resolution is, "That this Association do meet on Friday next, in St. George's Fields, at ten o'clock in the morning, to consider of the most prudent and respectful manner of attending their petition, which will be presented the same day to the House of Commons."—Twenty thousand men, to meet to consider the most prudent and respectful manner of presenting a petition! How were they to be consulted? How was their opinion to be asked? Gentlemen, This is a disguise to the business. Then the advertisement goes on: "Resolved, For the sake of good order and regularity, that this Association, on coming to the ground, do separate themselves into four distinct divisions, viz. the London division, the Westminster division, the Southwark division, and the Scotch division. Resolved, That the London division do

take place upon the right of the ground towards Southwark, the Westminster division second, the Southwark division third, and the Scotch division upon the left; all wearing blue cockades in their hats, to distinguish themselves from the Papists, and those who approve of the late act in favour of Popery." So that every man that did not wear a blue cockade in his hat, was to be considered as a favourer of Popery and the late act of parliament. Every man that would put on a blue cockade, let him be of what religion he might, he was to be considered as a friend of this bill. Here is another resolution: "Resolved, That the Magistrates of London, Westminster, and Southwark, are requested to attend, that their presence may overawe and controul any riotous or evil minded persons, who may wish to disturb the legal and peaceable deportment of his Majesty's Protestant subjects." Gentlemen, this last paragraph adds to the mockery of the advertisement, for it is of a piece with the other which I observed upon before. In order to preserve the orderly deportment of these people, he calls for the protection of the civil magistrates. Against whom? Those who should disturb their legal and peaceable deportment? For God's sake, who dare look in the face of forty thousand men, or give any offence to them? This army wants the protection of the magistrates. What magistrates of London or Westminster could act? and in Southwark, not one magistrate resided. No magistrates could controul the real purposes of the meeting. In consequence of this advertisement, upon the second of June, this assembly met. The prisoner at the bar appeared there at the head of them with his cockade, they were drawn up under the order, I presume, of him, because upon a person carrying a message from him, the march began; that I have already stated to you; he received them at, or came along with them to, the House of Commons, and there presented the petition. This body of men attended, and appeared to be totally under his influence and management. Their behaviour in the Lobby, and about the House, I have already stated; no means could be used to deliver the House of Commons from the situation they were in, till very late at night; he had it in his power at any moment to have done it; nay, the mob called on him to know whether they should quit the Lobby; for it was impossible, upon a division which was ordered in the House, for the members to divide without the Lobby was cleared. Nothing was to be done without his advice. It was not safe for him, he thought, to say, "Stay, and obstruct the proceedings of the House;" but he did that which was equivalent, he told them to be steady, he said he had called for a division; that there was no doubt at all but it was against them, and therefore, if they were not in the Lobby, the House would divide against them. But, that he might not appear to give advice, he said, I leave it to you, gentlemen. It was enough to leave to them that the business was going to be put off, whereas they wanted it to be instantly urged on, and carried through. He was applied to, over and over, to desire them to go out of the Lobby, and save Parliament from the disgrace of passing an act without examination, or being able to form any judgment upon it. Gentlemen, you will find here, that he reminded them over and over of the conduct of the Scotch; he told them the civil magistrates were sent for; he would not say, but he believed the petition was signed by the magistrates; he said that the guards, when they came, would do them no hurt. In short, by his persuasions, and by his influence, he kept up this body of people at that door, imprisoning the House; he said to them, you know what the Scotch did by their steady conduct; to which they answered, Yes, Yes, Yes. He told them too, when the Scotch pulled down the Mass-houses, they had redress. That Lord Weymouth sent an assurance that the bill should not be extended to Scotland; and should the Scotch be better than you? Gentlemen, no language can be plainer to these people, that, if they did not succeed there, they were to pursue another plan. The Scotch had redress when they pulled the Mass-houses down. You know what the Scotch did? That was enough to them; they could not misunderstand him. He added, there was no doubt his Majesty, when he heard of the insurrections within ten miles of London, and people coming to London, would send instructions to his ministers to repeal this act; and he urged them by every argument he could to get the repeal. Gentlemen, as soon as the House was delivered, and they found they were not able to accomplish their purposes there, the Scotch plan he recommended was adopted instantly; they flew to the chapels of the foreign ambassadors, and destroyed them; they proceeded afterwards to the houses of the Catholics, and every body that had given any obstruction to them, were doomed to suffer. After violent outrages had been committed, not only upon the Ambassadors chapels, but in other places; they made an attack upon Sir George Saville's

ville's house; they attacked Mr. Rainsforth's and Mr. Maberly's, and other houses. The different parties of this army re-assembled at the House of Commons on the Tuesday; the prisoner came there with the same symbol he had before, on being their head and leader, that of the cockade. They had all their colours flying about Palace-yard; his Lordship appeared without remorse, without exhorting them to depart peaceably, without mentioning the mischief which they had done, or remonstrating about it. He was drawn in triumph through the city of London to the Mansion-house, and other parts of the city, by a part of this mob. Upon the Wednesday, he sent an advertisement of a very singular nature to be put in the Thursday's paper. It is thus: "Lord George Gordon went in person to the different places, when the tumults were subsisting, to harangue the multitude, and exhort them to a legal and peaceable deportment; he stood a considerable time among the horse and foot, and with the Sheriffs spoke upon the same subject, but all was without effect, for Lord George Gordon not being able to give them any assurances the act would be repealed. They continued their violences without intermission." This advertisement encouraged the mob to look for some assurances, they were to continue their depredations till they had some assurances the act would be repealed; and this was the only reason why the violences were not stopped. Did he flatter himself when this appeared, he would have some assurances that this bill would be repealed? And yet it is manifest that this was held out, not only as an encouragement to the mob, but to induce some assurances of the repeal. This advertisement tells you, that several merchants had applied to him for protections. He states himself, in his own hand-writing, that he was the person to be applied to for protection; and several merchants had applied. We shall give you in evidence one of the protections granted upon the Wednesday. Nothing carries a stronger evidence; it is under his own hand. All the world looked upon the mob to be under his influence. No man can doubt it; he does not say, I refused them, or granted them. But what was the meaning of this advertisement? That other persons should apply the same way for protections. He was looked up to by the merchants and people of all descriptions as the man who, by his name and signature, could protect them from the violence of this mob. His name did protect in one case, which we will give you in evidence, where he gave a protection to a person that applied who had a Catholic lodger in the house; he found his house was threatened, and he got a protection from him, under his own hand, which I shall prove. Can there be any doubt, after this evidence, that the prisoner at the bar was the author and beginner of all the disturbances? Perhaps he will tell us, they were carried to a greater extent than he foresaw, and that he had no other object than a repeal of this bill. I don't know whether he had or not. But if he had no other object than the repeal of this bill, surely his measure of guilt is of no ordinary size. Gentlemen, will it be enough for him to say, I would have stopped the outrage, but I could not. When he had tempted the mob to look for assurances of a repeal, nothing short of that could have any avail; and, if he did turn out this many-headed monster, is it an excuse to say, I wanted to check its rage and fury? None at all. You have given birth to the outrage, you must stand by the consequences; it is just you should. Gentlemen, if these facts are proved, lay your hands on your hearts, and ask yourselves, whether to him the whole is not to be imputed? It is not an accidental assistance or encouragement, but he is the contriver of the whole. Gentlemen, if you are satisfied of this, your verdict will carry to the present and future ages this lesson, That, however exalted in birth, situation, or connection, no man can violate the peace and order of government, and the laws of his country, with impunity! Gentlemen, I shall call to prove these facts, some witnesses; not so many, I hope, as are in a list which by some means has been published. It is not the object, in delivering lists of witnesses, that they should appear in the public papers; but you have seen a list of a great many witnesses published: the necessity of inserting many will be obvious to you. We put down several to the same fact, that in case any should be absent through sickness, or other cause, others may be called whose names must be in the list. When I come to the proofs, I shall not trouble you with more than will be sufficient to establish the facts.

Gentlemen, I beg pardon for having troubled you so long, but in a case of so much importance and expectation, I could not avoid stating, as particularly as I could, the facts which directly affect the prisoner.

WILLIAM HAY, sworn.

Examined by Mr. SOLICITOR GENERAL.

Q. Do you know the prisoner Lord George Gordon?—A. Yes, Sir.

Q. Do you remember seeing him at any time at the meetings; I believe the place was Coachmaker's-hall?—A. I saw the prisoner at Coachmaker's-hall on the 7th day of January, 1780.

Q. You saw the prisoner at Coachmaker's-hall upon the 7th of January 1780?—A. So I take it.

Q. Did you see him at different times after that period between that time and the 2d of June, the day the multitude went to the House of Commons?—A. Five or six times, at different places in London and Westminster; not always in that hall, the Association was adjourned from place to place.

Q. What Association?—A. The Association called the Protestant Association.

Q. It was adjourned to different places you say; to what places?—A. It was adjourned to Greenwood's rooms in the Haymarket, the old Crown and Rolls in Chancery-lane, the London Tavern, Bishopsgate-street, and St. Margaret's-hall, in the Borough of Southwark.

Q. Did you see the prisoner at all or any of those places?—A. Not all, but most of them.

Q. Do you recollect at which of them you saw him?—A. St. Margaret's-hall, Mr. Greenwood's-rooms, the Old Crown and Rolls, Chancery-lane; at those three places, and at Coachmakers-hall.

Q. Do you remember seeing him at Coachmaker's-hall at the last meeting before the time of their going up to the House of Commons?—A. Very well I remember it.

Q. Do you recollect any thing at that time said by the prisoner, and tell us what it was if you do.—A. I heard the prisoner. (*Interrupted by the Court.*)

Court. Q. What was the date of that?—A. Upon the 29th of May. I heard the prisoner announce to a very numerous assembly (the hall was crowded) that the Associated Protestants, as they were called, amounted to more than 40,000 in number, that the 2d of June was resolved upon. Friday the 2d of June, at ten o'clock in that morning, it was resolved they should meet in St. George's fields, in four separate divisions, or columns; arrayed in their best cloaths, or dressed in their best cloaths.

Jury. Was it arrayed or dressed?—A. I think the prisoner's words were, to have your best cloaths on, with blue cockades in their hats, as he himself should wear one. They should wear a blue cockade, to distinguish them from other people who were Papists, or friends to Roman Catholics. His Lordship gave orders how these four different bodies should take their ground, and what fields they should assemble in. I cannot charge my memory exactly with the motions of these four columns, I think the London was to go to the right of the road.

Court. Q. Can you at all recollect the order?—A. I cannot charge myself with a memory of that.

Mr. Solicitor General. Q. Can you recollect any thing else you heard said by the prisoner?—A. Not that evening, but, some evening before, I recollect.

Q. What do you recollect before?—A. I recollect at the Crown and Rolls, in Chancery-lane.

Q. What do you recollect was said by him?—A. His Lordship read over the preambles, and certain parts of the penal laws of Charles II. William and Mary, and of George the II. After reading those acts he observed, that by his Majesty's giving his assent to the Quebec Law, and to a late act of parliament for tolerating the Roman Catholics in England, he, in effect, or his ministers, or his counsellors, had brought him to that pass, or situation, in which James the II. was after his abdication. The prisoner read his Majesty's coronation oath.

Jury. Q. Were those my Lord's words?—A. As near as I can recollect, and it was his opinion that his Majesty had made a breach of, or broke, that oath. He observed that the people in his country did not mince the matter, they spoke out; *mince*, I recollect, was my Lord's word, or spoke their minds freely, and avowed it to be true. These are the most emphatical expressions I can charge my memory with.

Q. Do you recollect any thing else?—A. I cannot recollect any thing else. These are emphatical expressions I remember very well.

Q. You don't recollect any other particular expression either at Coachmaker's-hall, or any other preceding meeting of Lord George; any inflammatory speeches?—A. I remember some kind of levelling, republican language.

Q. What sort do you mean?

A. The prisoner when he addressed himself to an ostler, a pot-boy, or the meanest member of his society, his language was "the Honourable Member;" but when he mentioned the name

name of the Honourable Orator, the Lord Advocate for Scotland, it was only plain Harry, or Henry Dundas.

Q. Any other inflammatory expression?—A. No.

Q. Did you go to the meeting in St. George's-fields?—A. I went to St. George's-fields, I did not mix with the people, but was upon the road.

Q. Were you at St. George-fields?—A. I was at St. George's-fields upon the 2d of June.

Q. Did you see a multitude of people gathered together.—A. A vast multitude of people.

Q. You saw there a great multitude of people?—A. Yes.

Jury. Q. What number did you conclude in your own opinion yourself.—A. I had no idea of the number, I had not seen so many before, I could make no calculation of the number.

Q. You had never seen so many before?—A. I never had.

Q. Had they any particular marks or badges about them, or any cockades?—A. They had all cockades, and some banners.

Q. Was any thing written upon the banners or cockades?—A. Nothing upon the cockades as I saw. Upon the banners, I think I saw *Protestant Association*, one I believe was a banner with *No Popery* upon it. I remember well that of the Protestant Association, I remember I looked at it.

Q. Did you see his Lordship the prisoner there?—A. He was at a great distance, I saw him, he was going off the fields to the House of Commons then.

Q. Did you see any thing pass, any manner of address from him to the multitude while you was there?—A. I could only see at a distance that my Lord George Gordon was harranguing the people.

Q. You was not near enough to hear any thing?—A. No not a word.

Q. You only saw that he was harranguing them?—A. No more.

Q. Which way did the multitude march; did they march in different bodies, and take different routes, or the same?—A. I can say nothing of their march, but I came home, and saw them come through Fleet-street, and march by St. Dunstan's-church, in their way to the House of Commons.

Q. You saw part of them that went that way, were there great numbers?—A. Very great numbers.

Q. Had they the same cockades?—A. The same cockades, and one or two banners; one of those banners was carried by a constable.

Q. Did you afterwards, that day, come down towards the House of Commons?—A. I did.

Q. Did you see the same multitude here, round about the House?—A. There was a vast multitude of people.

Q. With the same cockades and the same banners.—A. All the same sort of people.

Q. Did you get forward enough with these people, or any part of them, to get into the Lobby of the House?—A. I was in the Lobby of the House about three hours.

Q. Was it filled with some of this multitude?—A. crowded.

Q. What was their behaviour while you saw them there?—A. They were very riotous, they were generally headed by Lord George Gordon.

Court. Q. What did they do in the Lobby?—A. A great noise appeared to me to be made by the words "Lord George Gordon."

Q. Do you recollect their calling out at all, to any of the members of the House in the Lobby?—A. I remember two or three members of the House coming into the Gallery of the Lobby of the House of Commons, and speaking to them.

Q. As they got through the crowd, do you remember the mob crying out any thing?—A. There was such a confusion, I really cannot say any thing in particular; there was a great confusion and noise; I remember very well my Lord's name was often mentioned.

Q. While these people were in the Lobby, and you were there, did you see Lord George Gordon?—A. I saw Lord George in that place over the Lobby.

Q. Did you hear him speak to them?—A. Yes, he spoke very plain.

Q. What did you hear him say to them?—A. His Lordship exhorted them to continue stedfastly to adhere to their purpose.

Q. You heard my Lord say that?—A. I heard him say to that purpose; he exhorted them to adhere stedfastly to so good and so glorious a cause as theirs was; he promised to persevere in it himself, and he hoped, although there was very little expectation from the House of Commons, that they would meet with redress from their mild and gracious Sovereign.

Q. Do you recollect any other particulars?—A. I think that is the substance of every thing I heard.

Q. You say, Sir, that is the substance of what you recollect. I wish you to recollect if you can?—A. I have repeated all the words.

Jury. Q. You are thoroughly satisfied you have repeated all the words?—A. Yes, I have.

Mr. Solicitor General. Q. Now, Mr. Hay, you give an account of the flags and cockades you saw. Do you recollect, in the course of any mischief that followed, seeing them, or any of those flags?—A. I saw one of the flags at the burning of the Fleet prison, the flag which contained the words "No Popery."

Q. Could you perceive, Sir, whether the person who was with the flag at the Fleet prison, was one that you saw at St. George's Fields, or the House of Commons?—A. I am very clear it was the person. I pointed out the flag. I remember his very complexion; he was a short man.

Q. That Friday evening after you had been there, I understood you to have said; I might mistake, I am told you have not said so: I must therefore ask you again, where it was that you had seen that man before that you saw at the Fleet prison with the flag?—A. I saw him in Fleet-street. The man carried that flag in Fleet-street.

Q. You mean in Fleet-street, when the men were marching to the House of Commons?—A. Yes; and I saw it afterwards in Westminster; I am sure I saw it afterwards in Westminster.

Q. That Friday, the day the multitude were here, were you at either of the chapels; the Sardinian or the Bavarian Ambassadors chapels?—A. I was at the chapel in Duke-street, Lincoln's Inn-fields, the Sardinian Ambassador's chapel, in the evening.

Q. What time upon Friday night was it you were there?—A. I think it was about ten o'clock, as nigh as I can recollect.

Q. Now, Sir, did you see any mischief done there?—I was astonished at the cruelty of what I saw.

Q. What was the cry of the people employed in that mischief?—A. It generally was, No Popery.

Q. Had the persons, during that mischief, blue cockades in their hats?—A. I saw none in the chapel, not a single cockade in the chapel.

Q. Did you see any about it?—A. I saw a great many about it; I ran as fast as I could through the crowd.

Q. Where was those you saw with the cockades?—A. In Duke-street.

Q. Did they form the same mob that did the mischief?—A. They seemed to be by-standers, looking on and encouraging them.

Q. Did they who stood looking on and encouraging them join in the cry of No Popery?—A. I did not hear that cry till I was in the chapel; when I was in the chapel I heard the cry without the chapel.

Q. You say the persons in the chapel had not blue cockades?—A. The person that did the most mischief in the chapel had no hat on, the footman that was in the chapel.

Q. Only one man?—A. That man that did the most mischief in the chapel; there were five or six there, but that was the most wicked man of them all.

Q. The principal part of the multitude were without?—A. Yes.

Jury. Q. Those that did the mischief had no cockades in their hats?—A. I did not observe that.

Jury. Q. Those that had cockades in their hats, how did they encourage them?—A. The same as at all the other fires; they stood by, and seemed to encourage them.

Jury. Q. What were their words to encourage?—A. I do not remember any in particular.

Q. Was you present at any other fire, or demolition of the houses?—A. I was present at several fires.

Q. Was you present at Langdale's?—A. I stood at Langdale's about a quarter of an hour.

Q. What day was that?—A. I cannot charge my memory with the exact day, it was that very day when the King's Bench was burnt, and the Fleet prison; they were all on fire at once.

Q. Did the same cry, No Popery, continue?—A. The very same, it was obvious to every body.

Q. You mentioned Langdale's and the Fleet prison, do you recollect any other; mention them if you do?—A. I was present at the demolition of a house the corner of Lincoln's-inn-fields.

Q. Whose house there?—A. I forget the man's name; I saw the furniture thrown out of the house, and burned.

Court. This is not material, it is only general evidence.

Mr. Solicitor General. You have mentioned the Fleet prison, Langdale's, and this house in Lincoln's-inn-fields, do you recollect another?—A. There was another in Great Queen-street.

Q. Do you know whose that was?—A. I do not.

Cross Examination by Mr. KENNYON.

Q. Pray, Mr. Hay, what are you?—A. I am, Sir, by trade, a printer.

Q. Do

Q. Do you print upon your own account, or are you the servant of any person?—A. I print upon my own account.

Q. I think you have had some misfortunes in the world, you have been a bankrupt?—A. Yes.

Q. And now print for yourself?—A. Yes.

Q. When did you first resort to these Protestant Association meetings?—A. The 10th of December.

Q. You went and attended at all the other meetings?—A. I think I attended all the public meetings.

Q. You have been at more meetings; some where Lord George was, and some where he was not present?—A. He was not present at all of them.

Q. You have mentioned Lord George being present at Greenwood's room; I wish you to recollect whether you saw him there or not; recollect yourself whether he was there or not?—A. I think I saw him once there.

Q. Now you are not sure, be upon your guard?—A. It is a very serious matter; I wish to tell the truth; I think Lord George was once in Greenwood's room, and the Association was once there without his Lordship.

Q. You cannot speak with certainty?—A. If I was to look at some notes, perhaps I might speak with more certainty.

Court. If you have them you may look at them.

Mr. Kenyon. Q. Did you make them at the time?—A. I made them that evening.

Q. Did you make them that evening?—A. I did make them that evening.

Then Mr. Hay looked at his notes, and said: Upon the 21st of January I find Lord Gordon was not present at Greenwood's Room; Mr. Fisher, the Secretary, made an apology on account of his Lordship's indisposition.

Mr. Kenyon. Q. Then you were mistaken?—A. I am mistaken in that particular.

Q. How came you from time to time to make notes?—A. I shall tell you very freely; I have no manner of reserve. I foresaw it would be a thing of consequence; I wished to take notice of it; I went almost purposely to take notice of them.

Court. You went upon that account, to take notes of what passed?—A. My curiosity led me there; and when I saw what sort of people there was there, I was willing to look farther after them, for I dreaded the consequence of these meetings.

Q. So you took notes of what passed?—A. I did.

Mr. Kenyon. Q. How soon had you this fore-sight of what would happen, in the month of December?—A. I did not indeed, Sir, I said no such thing; the 20th of February I did foresee it; I will refresh my memory with regard to that.

Mr. Kenyon. My Lord will not permit you to do it.

Q. Now, Sir, that was the first time, the 20th of February, you saw this would be of consequence?—A. I had foreseen the evil consequence as much as a man of my experience could, before that time; but I had then, the 20th of February, even written my own thoughts upon it.

Q. Then the 20th of February was the first time you began to draw your conclusions?—A. It was, indeed.

Q. If that was the first time you drew your conclusions, the first day you made a memorandum, how came you to have notes prior to the time? You read a note prior, the 21st of January?—A. Without those notes, surely, I could come to no conclusion in my own mind about them; the first time I took notes was the 10th of December.

Q. How came you at first to take notes?—A. Sir, I never go to any of those public meetings but I wish to learn what those people would be at; whenever I come home, I set them down.

Q. That was your constant course in all the occurrences of life?—A. Generally so; a common thing with most men.

Q. Did you ever commit to writing any one occurrence before of that sort?—A. I don't know any one meeting of the sort that I ever was at but I took notes.

Q. How many different associations, meetings, or congregations of this kind have you ever resorted to?—A. I never resorted to any.

Q. You have been at others?—A. I have been at others: I wish to know your meaning.

Q. Sir, you said you never attended at any meeting respecting this kind of business, where you did not commit to writing what passed; now I wish to know what other meeting of the Protestant Association you ever attended?—A. I have attended a great many.

Q. Have you put down all the meetings, upon your oath, before God and the world?—A. I do not comprehend the nature of your question, Sir.

Q. Have you set down any transaction of any other meeting of those people, except this one transaction?—A. Many times in my life.

Q. Now tell me when, and what?—A. If I must tell you the

first time, it was at the General Assembly of the Church of Scotland; that was the very first note I ever made in my life.

Q. When was that?—A. Twenty-two years ago.

Q. So early as that?—A. And afterwards in 1765 or 1766.

Q. Did you do that because you had a fore-sight of the consequences that would ensue from those meetings?—A. I wished to know what they were doing, or to oblige a friend with what they were doing; I had many motives for it.

Q. Now, Sir, you have not only been at the meetings advertised, but happened also to be casually at the chapel in Duke-street, Mr. Langdale's house, the house that was burned in Lincoln's Inn Fields, and the house that was burned in Great Queen-street; you happened to be at all those places, and at Newgate?—A. Sir, the first that you mentioned was the burning the Roman Catholic chapel; I was coming home; there was a young gentleman with me.

Q. What is his name?—A. His name is M'Millan.

Q. Is he here?—A. He is here: we came by accidentally when they were demolishing that chapel; I think we were coming by Covent-garden; I think it was either the other side or this side; some of the people said they were burning that chapel.

Q. You were coming home from whence?—A. I cannot recollect where we were coming from; I was visiting or enquiring for an acquaintance, or some particular business; we were coming home.

Q. From Westminster, or from the Lobby?—A. Very likely; I cannot charge my memory with it.

Q. At the time you was in St. George's Fields, had you a blue cockade in your hat?—A. I never had in my life.

Q. You was in the Lobby of the House of Commons?—A. I was.

Q. Did you go into the Lobby with persons with blue cockades in their hats, or go in before them?—A. They were all there long before me; I did not go till after I had dined.

Q. The place being crowded, there was still room for you to go in?—A. They had surrounded Alderman Sawbridge when I came in to the great hall, and I went up with him.

Q. What hour do you think it was?—A. I will say about six or seven o'clock; I will not swear positively to the hour.

Q. When did you come out?—A. At nine o'clock, I remember, exactly by my watch; I remember that exceedingly well.

Q. You say, at the time when you was at the Lobby, there was a great riot and confusion, and you could not hear what passed?—A. No; I heard exceedingly well, too well; there was a great noise.

Q. Then you alter, you differ; you said you did not hear what passed?—A. I heard Lord George Gordon pronounced vociferously.

Q. I presume the Lobby is not a very large room; was there a number of people, of the same description, who came there merely from curiosity?—A. I saw none such; they did not come from curiosity that did wear the blue cockades.

Q. Then you was one single individual without it?—A. There were more; there was Mr. M'Millan, and an apprentice of my own.

Q. What to do, Sir?—A. I wanted them to enquire after some particular friends; I was afraid of myself, and my friends.

Q. Then you who were not in the croud before, and in no danger of being hurt, went into the croud of the House of Commons?—A. I went to the Lobby of the House of Commons, and I saw a great crowd.

Q. What friend of yours was in danger?

(Here the witness hesitated.)

Q. You cannot state your friend in particular. Who had you any fears about?—A. I cannot charge my memory with what friend it was.

Q. You cannot remember what friend of yours it was in danger?—A. No.

Q. Lord George Gordon said, at ten in the morning they were to come, and to put on their best cloaths?—A. Yes.

Q. Was it that they should be arrayed or dressed in their best cloaths, which was the word?—A. I think it was, be sure to be in your best cloaths, or to be dressed in your best cloaths; I cannot recollect the exact words.

Q. He desired them to be in divisions.—A. In four divisions.

Q. Not columns, but divisions; divisions he called them, you call them columns?—A. I said columns or divisions.

Q. How near was you when in St. George's Fields?—A. A considerable distance from Lord George Gordon.

Q. How near was you to the flags?—A. I saw one of the flags carried by a person, I think upon my left hand.

Q. How far was you from them?—A. A considerable distance; I did not go into the fields, I was in the road.

Q. The

Q. The person who carried the flag, I suppose, was surrounded by the multitude?—A. No, they were not; I remember the London division had a flag among them: it was by the roadside I saw them pass me; the flag was before them.

Q. Did you go with them?—A. No, I came over Blackfriars Bridge, and did not go with them.

Q. What time was that?—A. About two o'clock, between one and two.

Q. Going home at that time; what was the earliest hour you left your house to go down to the House of Commons?—A. I believe between five and six o'clock.

Q. And you went down immediately to the House of Commons?—A. I was at the Lobby between six and seven.

Q. All the multitude had passed; they were about the avenues of the House of Commons long before?—A. I should think so.

Q. Pray, Sir, by what good luck was it you saw the flag in Fleet-street?—A. Sir, the flag passed by the house where I live.

Q. Where is your house?—A. Next to St. Dunstan's church; I stood upon the leads of the church, out from the window; I went there on purpose to see them: I stood there with the young man M'Millan.

Q. You saw one of the persons you say with the flag in Fleet-street, whom you saw somewhere else afterwards?—A. I saw him at the Fleet prison.

Q. In what dress?—A. I cannot recollect, it was a very common dress; he was an odd man.

Q. Was he in his own hair or a wig?—A. If I recollect he had black hair, short hair.

Q. Something remarkable?—A. I don't recollect, he was a couple looking man; he might be a brewer's servant.

Q. He appeared to you to be a brewer's servant?—A. I thought so; a brewer's servant in his best cloaths.

Q. Will you tell me how to know a brewer's servant from another man, in his best cloaths?—A. Upon my word, Sir, it is out of my power to describe it.

Q. How came you to tell me, by accident, you supposed him to be a brewer's servant?—A. I tell you, upon my oath, if it was the last words I had to speak, he appeared to me to be such.

Q. I ask you why a brewer's servant?—A. There is something distinguishable in a brewer's servant from most other trades.

Q. I wish you would tell me how you distinguish a brewer's servant from other people; I dare say you have your reasons: Have you any reason or not?—A. Please to state your question again.

Q. How you distinguish a brewer's servant from other people?—A. It is impossible any man living, in this crowded audience, can have a doubt.

Q. I will ask you; you have declared, have pledged yourself upon oath, you took this man to be a brewer's servant; I ask you by what mark of distinction you are able to say he was a brewer's servant, rather than any other trade?—A. If I was to describe to you directly how I took him to be a brewer's servant, it might be by his coat, his breeches, or his stockings; they were something very remarkable.

Q. Tell me how his breeches, his stockings, and his cloaths were distinguishable?—A. I cannot say.

Q. Then you have no reason for using the word that he was like a brewer's servant?—A. I cannot answer that question if you put it to me an hundred times.

Q. You said, Sir, one of the persons that carried the flag in St. George's Fields was a constable; I should be glad to know how you knew him to be a constable?—A. He was a man so very remarkable; his name is Payne, the city constable.

Q. Pray, are you of the Church of England, or of the Kirk of Scotland, or a Roman Catholic?—A. Sir, I am of the Church of England.

Mr. Attorney General. That question was objected to in the case of Sir John Friend.

Court. Certainly you are not permitted to ask that question?

Mr. Attorney General. That was determined by four judges.

Here Mr. Hay went away as another person was called, but was called in again.

Mr. Kenyon. Q. Let me ask you how you came to stay so long in the Lobby?—A. I cannot answer this question farther, than wishing to see the end of it, or something of that sort.

Q. What time was it you saw Lord George Gordon in the balcony, at what hour?—A. I believe I heard his Lordship once, and saw him once.

Q. When you was afraid of all this mischief did you impart your fears to any one of the Secretaries of State, or a civil magistrate, or any body?—A. I certainly did impart my fears, and my dread of the ha'ock making to almost every body.

Q. But I mean long before?—A. I did communicate them long before.

Q. To whom?—A. I don't wish to mention gentlemen's names.

Q. You must do it?—A. Sir I wrote my sentiments upon these matters to a particular friend. I communicated my sentiments upon this Associated Meeting.

Q. You are asked who that gentleman was?—A. Mr. Butler of Lincoln's-inn.

Q. Mr. Butler of Lincoln's-inn is a gentleman I have the honour of knowing also, and I have a great regard for that gentleman.

Witness. I have a very high respect for him.

Mr. Kenyon. I am sure I don't mean to ask any improper questions about Mr. Butler, I understand he is a Roman Catholic—A. I never asked him the question.

Q. If he is your particular friend don't you know he is a Roman Catholic?—A. He never told me so.

Q. I know Mr. Butler very well too, and I know what he is, have you the least doubt?—A. I will not answer the question. I hear he is. I have a very high opinion of him.

Mr. Kenyon. I am perfectly sure he is and know he is.

WILLIAM METCALF, Sworn.

Examined by Mr. BEARCROFT.

Q. Do you know the person of Lord George Gordon?—A. Yes I do.

Q. Was you at Coachmaker's-hall in the course of last summer at any time?—A. I was.

Q. What day?—A. I really do not know what day it was, farther than it was the day upon which the meeting in St. George's-fields was fixed upon.

Q. Did you see Lord George Gordon there?—A. I did.

Q. What number of people might be at Coachmakers-hall?—A. I am not able to judge what number of people were there, but the hall was as full as it possibly could hold, so full I could not get in.

Q. What was the purpose of the meeting, did you learn what was going forward?—A. I did not, at that time, know farther than it was a meeting where Lord George Gordon was to be. I went there merely out of curiosity.

Q. You went there merely out of curiosity?—A. I did.

Q. Can you recollect yourself, Sir, and tell us what passed during the time you was there?—A. I went there with a person who has some knowledge of the person who rents the hall, or lives at the hall; and, by his knowledge of that person, got admitted into the gallery.

Q. I wish you to tell us what passed there, and particularly what fell from Lord George Gordon there; relate as fully and particularly as you can recollect?—A. Lord George was speaking at the time I went in. I heard him desire of them to meet him in St. George's-fields; he reminded them that the Scotch had succeeded by unanimity, and that he desired they would likewise be unanimous. He hoped no one who had signed the petition would be ashamed or afraid to shew himself in the cause. That he would not present the petition, or that he begged leave to decline it, (I don't recollect his Lordship's words exactly) but it was to this effect, unless he was met in St. George's fields by twenty thousand people; and he recommended them to come with any marks of distinction, such as a blue ribband in their hats, or to that effect, that they might be able to distinguish their friends from their foes, or to that purport; that he himself would be there to meet them, and would be answerable for any of them that should be molested for meeting there; that he wished so well to the cause that he could go to the gallows in it, or for it, or words to that effect. I know the word gallows was mentioned.

Court. Q. In it, or for it, you don't swear positively to that. It makes no difference?

Mr. Metcalf. That he would not present the petition of a luke-warm people. I forgot to tell your Lordship, that Lord George Gordon told them to meet in four bodies in St. George's fields; that each body, I think, was to take one quarter of St. George's-fields.

Mr. Bearcroft. Q. Do you recollect any thing more that fell from Lord George Gordon, at the time you are speaking of?—A. I do not.

Q. Was you in the Lobby of the House of Commons on Friday the 2d of June.—A. I was not.

Q. Was you not there at all?—A. I was not there at all.

Q. Was you about the House of Commons at that time?—A. I was not.

Q. Was you at St. George's-fields at the time that had been appointed?—A. I was.

Q. What

Q. What time might you get there?—A. I believe I might be there at half past ten or eleven o'clock.

Q. Was the prisoner there?—A. I saw him come in a coach.

Q. Will you recollect yourself, and give an account of what passed there, particularly, what fell from Lord George Gordon himself?—A. I don't recollect one word, but particularly that I saw vast numbers of people, that they were occupying four different parts of the fields, in four distinct bodies; there were at least two bodies, that were forming like soldiers almost, eight or nine a breast, a vast number a breast. I did not see them so well formed in any other part as I did in one part.

Q. Did they wear any particular mark of distinction?—A. I saw several with the words, "No Popery," on a blue paper in their hats.

Q. Several people that were formed?—A. Several that were formed.

Q. Were there any blue ribbands?—A. There were vast numbers that had blue ribbands in their hats.

Q. What number of people might there be assembled in the fields?—I think within compass, I dare say there were forty-thousand people.

Q. Will you say there were thirty-thousand positively?—A. I believe there were.

Q. Did you stay, or quit the place?—A. I did not stay.

Q. You left them there?—A. I left them there. I saw Lord George Gordon standing, surrounded by a great number of people; he was surrounded by a vast number of people, and I understood him to be speaking to them, but I was not near enough to hear him speak, nor can I say positively he did speak.

Q. You left Lord George in St. George's-fields?—I cannot say whether my Lord George was not gone at that time.

Q. Did you see any thing more of the prisoner that day?—A. I did not see any thing more of him that day.

Cross Examination, by Mr. ERSKINE.

Q. I think you say the hall was so crowded when you got in, you could not get in the body?—A. I could not.

Q. You got in the gallery?—A. I got in the gallery.

Q. Can you recollect what time?—A. I cannot; the whole of what I recollect at all of it is, I was close to the hall at dinner, and after dinner we proposed to go there. It was about six o'clock, or after.

Q. And how long did you stay?—A. I don't think I was there a quarter of an hour, if I was there a quarter of an hour it was the outside.

Q. Where was Lord George Gordon when he spoke this, was he in the chair?—A. He was at the upper end of the room.

Q. You made use of an expression, Mr. Metcalf, which after having made use of, you said you was not sure of; you first said he would go to the gallows, then said, he used the word gallows?—A. I said I would not be positive of the exact words he expressed, but that they were, he would go to the gallows in the cause, or for the cause, or to that effect.

Q. Are you sure of the word gallows?—A. I am sure, my Lord made use of that word.

Q. You did not hear any thing more about what the cause was?—A. I did not hear what the cause was. I understood at the meeting, for I was given to understand, the meeting was for the purpose of signing the petition for the Protestant Association.

JOHN ANSTRUTHER, Esq. sworn.

Examined by Mr. LEE.

Q. Mr. Anstruther, was you at Coachmaker's-hall on the 29th of May last?—A. I was at Coachmaker's-hall the latter end of May, on a Monday, I will not be sure it was the 29th.

Q. Did you see Lord George Gordon there?—A. I did.

Q. Pray did he, or any body else, act as President of any meeting then held?—A. I understood him to be acting as President.

Q. He appeared to you to be acting as President?—He appeared to me to be acting as President.

Q. What was the object of that meeting?—From what I heard Lord George Gordon say, the object of the meeting seemed to be this: he called that meeting for the purpose of informing them that he meant to present their petition, meaning the petition of the Protestant Association, upon the Friday following, to the House of Commons; and desired them to meet him in St. George's-fields.

Q. Desired what?—A. He desired them to meet him in St. George's-fields, the Friday following, for the purpose of presenting the petition. I don't mean to be accurate as to words;

it is impossible to recollect the very words of a speech at that distance of time.

Q. Was any thing said about the number of people expected to meet at St. George's fields at that time?—A. He said, if there was one man less than twenty thousand people, he would not present the petition; he declared also, that after stating if there was one less than twenty thousand people, he would not meet them there; that without that number he did not think the petition would have force enough. I don't say force was his word, but be of consequence enough. He declared, if there was fewer they might find another President of the Protestant Association, he would have no more to do with them; he recommended to them the example of the Scotch, who, by their firmness, had carried their point; he recommended temperance and firmness; and concluded with telling them, he did not mean them to go into any danger that he would not share, for he was ready to go to death for the Protestant cause.

Court. Q. Was Death the word?—A. No, my Lord, I rather believe Gallows was the word.

Jury. You should have said so.

Mr. Anstruther. I don't mean to be accurate as to the word; I think it was; it was either one or the other; that was the principal purport of the speech which I heard there.

Q. Before you proceed farther, was there any thing said at that meeting about the manner in which they were to be distinguished in St. George's-fields?—A. That is a matter I had forgot; he desired all true Protestants, and friends of the petition, to distinguish themselves, by being marked with blue cockades; he told them he would meet them in St. George's-fields, and that when they came there the London Association should take the right, and the Scotch should take the left hand; and, as to the disposal of the other two, I do not exactly recollect.

Q. Was you present near or about the House of Commons, upon Friday, after the petition was in fact presented?—A. I was in the Lobby of the House of Commons, and about the House of Commons, in the course of the evening.

Q. Did you see Lord George Gordon there?—A. I saw Lord George Gordon leaning over the gallery when I came down; I came in by the door that goes down by the House of Lords; I came near the door of the House of Commons; I saw Lord George Gordon leaning from a gallery that looks into the Lobby of the House of Commons.

Q. The gallery you mean that goes from the committee rooms?—A. That goes from the committee rooms to the back door of the gallery.

Q. Did you hear Lord George Gordon say any thing to the people while he was in that place?—A. I heard Lord George address the people from that place.

Q. What was it he said?—A. He told them, he came out, as I understood, for the purpose of telling them what had passed in the House; he told them they had been called a mob in the House; he said they had been called a mob within the House; he mentioned that the peace officers had been called in to disperse them. I think he said, them peaceable petitioners.

Jury. Did he, or not, say that; it is material?—A. I think he did; that he had not given any reasons to the House why he had not dispersed them; that he believed the peace officers had signed the petition; that there had been some conversation in the House; that some people in the House had mentioned something relating to the calling in the military; that he hoped nobody would think of taking a step of that sort, as it would infallibly tend to create great divisions among his Majesty's subjects; he went on stating the impropriety of calling in the military upon such an occasion; or a military force in a free country; he again mentioned the Scotch, pretty much in the same terms he had done before.

Q. Be so good as to repeat that?—A. That they might, by steadiness and firmness, carry their point; that he had no doubt his Majesty would send to his ministers, to desire them to repeal the act, when he found the confusion it had created; or rather, I recollect what is nearer that idea, when his Majesty heard his subjects were coming up for miles round.

Jury. That is a very different thing indeed; repeat that again, what you was going to say?—A. That he had no doubt his Majesty would send to his ministers to desire they would repeal the Bill, when he found his subjects, for miles round, were wishing it. There was a great deal of confusion in the Lobby, and several people called to Lord George Gordon, to know whether he desired them to disperse: Do you desire us to go away?

Court. Several called out to the prisoner, Do you desire us to go away, or disperse?—A. Does my Lord George Gordon desire us to go away? He replied, you are the best judges; the best judges of what you ought to do; but I will tell you how the matter stands: the House are going to divide upon the question, whether your petition shall be taken into consideration now, or on Tuesday? There are for taking it into consideration

now, myself and six or seven others; If it is not taken into consideration now, your petition may be lost; to-morrow the House does not meet; Monday is the King's birth-day; upon Tuesday the Parliament may be dissolved, or prorogued, I forget which was the expression. That is almost all I heard him say; there was a good deal of confusion in the Lobby. Several other members attempting to speak, particularly Mr. Turner, he was not heard; there was some conversation I heard pass, between Lord George Gordon and the Chaplain of the House, which I could not over-hear.

Mr. Lee. Q. Were the people to whom Lord George Gordon was then addressing himself, in any manner distinguished from other people?—A. There was a vast number of people, to whom he was addressing himself, with blue cockades.

Q. In the Lobby?—A. In the Lobby of the House.

Q. I don't know whether you happened to be in Scotland at the time any thing passed upon the score of religion?—A. Do you mean at the times any riots happened?

Q. I mean so?—No, I was not.

Q. Do you know of any riots there?—A. No, not of my own knowledge.

The Rev. Mr. THOMAS BOWEN, sworn.

Examined by Mr. HOWARTH.

Q. Was you in the House of Commons, on the 2d of June last, as officiating Chaplain?—A. I was.

Q. Did you observe, in the course of that day, any uncommon concourse of people about the House, and in the Lobby?—A. I attended the Speaker of the House, and the Lobby was exceedingly crowded, and the people there very clamorous; we got in without much interruption. After the prayers were over, I went to a seat under the gallery, not far from the door; the tumult in the Lobby continued, and, while the House were deliberating what means they should take to quell it, I saw Lord George Gordon frequently go to the door, and heard him repeat, to the people in the Lobby, what different members had said in debate. The Speaker was relating to the House, for the information of those members who had not been present from the beginning, the several circumstances that had occurred.

Court. Q. He told the mob so?—A. No; I was going to introduce what his Lordship said.

Mr. Howarth. Q. Confine yourself to the expressions made use of by Lord George Gordon, and to what passed out of the door, not any thing he said in the House, but the expressions he made use of to the people in the Lobby?—A. I saw him go to the door; I heard him say to the people, the Speaker of the House of Commons has just said, that you are all come here under pretence of religion; and, I think, his Lordship then added, you are good people, your's is a good cause. Afterwards I heard him say, Mr. Burke, member for Bristol, has said — The door was then shut, and I heard no more. Afterwards, he called out, Mr. Rous, member for — I forget the place that he mentioned, has just moved, that the civil power, I think it was, be sent for; but don't you mind; keep yourselves cool; be steady. At another time, his Lordship called out, Lord North calls you a mob. Once, as his Lordship was at the door, I saw a gentleman go up to him, who seemed to me to be persuading his Lordship to return to his seat; I judged so, from the manner of the gentleman. As soon as Lord George Gordon turned round, and saw who it was, he called out to the people, this is Sir Michael le Fleming; he has been just speaking for you. His Lordship seemed to be remarkably pleased with Sir Michael; he patted, or stroked his shoulder, and expressed a kind of joy in his countenance, which I hardly know how to describe, that seemed to me extravagant, and, if I may use the expression, childish.

Court. Do you recollect any thing else?—A. Your Lordship sees I am not to speak of what his Lordship said in his place as a member.

Court. No, I don't ask you that.

Mr. Bowen. This I believe I can recollect to the period; whilst I was sitting under the gallery of the House, when the division was called for upon the question in the House, I withdrew; during the delay and confusion of the people who refused to quit the Lobby, and by that means prevented the House from dividing. I was frequently in the adjoining rooms: once when I was standing near the little gallery which looks upon the Lobby, I saw some gentlemen endeavouring to persuade the people to retire; one of them asked me to speak to them, accordingly I spoke a few words; I told them they stopped their own business, and begged them to retire; one of the people in the Lobby said.

Q. Was Lord George Gordon present?—A. Lord George was not present. I heard a person in the Lobby say very di-

stinctly, that if his Lordship would come and say that it was necessary for them to go, they would go. Some time after this, I went up to the eating-room; while I was sitting at the table, Lord George came into the room; soon afterwards there was scarce any person left in the room besides Lord George and myself; his Lordship had thrown himself into a chair near me, and seemed overcome with heat and fatigue; I thought the opportunity so favourable, that I could not help telling his Lordship what I had just heard from the Lobby. I told him that a person there had said, that if his Lordship would come and say it was necessary for them to go, they would go; and added, as my own opinion, that I believed it depended only on his Lordship to disperse them: his Lordship made no reply, and soon afterwards left the room. Some time after this I went down stairs, and seeing his Lordship going towards the little gallery, to address the people, I hastened to get near him. His Lordship, I think, began with advising them, in general terms, to be quiet and peaceable, and steady. His Majesty, said his Lordship, his Majesty is a gracious Monarch; and when he hears the people ten miles round are collecting, (I think ten miles round was the expression of his Lordship) there was no doubt he would send his Ministers private orders to repeal the bill. His Lordship then mentioned the attempt that was made to introduce the bill into Scotland. The Scotch, says his Lordship, had no redress until they pulled down the mafs-houses; Lord Weymouth then sent them official assurances that the act should not be extended to them: and why, said his Lordship, should they be better off than you? Here I must observe to you a doubt upon my mind, whether his Lordship said the Scotch had no redress until they pulled down the mafs-houses, or whether he said, when the Scotch pulled down the mafs-houses they had redress.

Court. It is much the same thing; it makes no difference.

Mr. B. His Lordship advised them to be quiet and peaceable, and told them to beware of evil-minded persons, who would mix amongst them to excite them to mischief; the blame of which, I think his Lordship added, would be imputed to them. It was then, I think, a person in the Lobby asked his Lordship if it was necessary for them to retire.

Jury. Q. Had this person a blue cockade in his hat?—A. I did not see the person, I only heard his voice. I will tell you, says his Lordship, how it is; the question was put, (I think his Lordship said he moved the question) that your petition shall be taken into consideration this night. Now, says he, it was clearly against you, there can be no doubt, but I insisted upon dividing the House; no division can take place while you are there, but to go or not I leave to yourselves. As soon as his Lordship had finished, he asked me if I would speak to the people; I said, by no means, that his Lordship was the only person that could speak to them with any good effect. His Lordship then took hold of my gown, and presenting me to the people, called out: "This is the Clergyman of the House of Commons, I desire you will ask him what his opinion of the "Popish Bill is;" and immediately urging me to give it, I replied to his Lordship with considerable warmth, that the only opinion that I should give was, that all the consequences which might arise that night would entirely be owing to his Lordship. Several gentlemen that were about us, repeated my words; his Lordship made no reply, and went into the House.

Q. Had you an opportunity of observing what number of people were in the Lobby, and about the House, at the time of this conversation?—A. The Lobby was full.

Q. Did you observe any of those persons to whom his Lordship addressed himself; had they cockades?—A. I cannot say absolutely that I did; I saw his Lordship with a blue cockade.

Q. Did you hear any general cry made use of by the people in the Lobby?—A. They often called for Lord George; as I followed the Speaker in, they called out, Repeal! Repeal! Repeal!

Q. Had you, from the conduct of the persons in the Lobby, any apprehensions of the House being forced into?

Mr. Kenyon. I object to the question.

Mr. Howarth. Q. Then was there any conduct in the people of the Lobby, tending to attack the House?

Mr. Kenyon. You should ask, what did they do?

Mr. Howarth. Q. I would wish to know what the conduct of the people in the Lobby was?—A. They were exceedingly clamorous; I don't recollect any particular act.

Q. You don't recollect any particular act they did?—A. No, I do not.

Q. You don't recollect any particular act of violence upon any person?—A. I do not, except tumults.

Court. Was there any particular cry or words?—A. I do not recollect.

Q. Could

Q. Could the members pass or repass while the multitude continued in the Lobby?—A. I saw several members come in with blue cockades in their hats, who seemed as if they hardly could break through the mob.

Cross Examination, by Mr. KENNYON.

Q. You saw several members with blue cockades in their hats?—A. I did.

Q. Be so good as to mention them?—A. I do not know any member that had, but I saw the gentlemen come into the House of Commons and take their seats, therefore I presume they were members.

Q. Several?—A. I believe there were two; one I saw take it off, as soon as he got into the House, and put it into his pocket.

Q. Do you recollect who that member was?—A. No, I do not.

Q. Where was this conversation; in the Lobby, or in the Gallery?—A. It was in the Gallery.

Q. Now, during that time, there was a great tumult and noise, you say?—A. Not during the time Lord George was speaking.

Q. During the time you had the private conversation with him?—A. That was not in the Gallery.

A. Where was that?—A. In the coffee-room I believe it is.

Q. Was it in the eating-room?—A. The kitchen, I believe it is called.

Q. But the other conversation was, you say, in the Gallery, when he spoke to the people?—A. In the Gallery.

Q. Was there a great many people, or you alone with him?—A. A great many people.

Q. Did you see Mr. Anstruther there?—A. I don't remember.

Q. I presume you were under some agitation of mind at the time?—A. I was under none till Lord George spoke to me; till his Lordship applied to me to give my opinion.

Q. You was under no apprehensions?—A. None in particular.

Q. You have your full recollection about you, and undertake to speak to the very words?—A. I think I can.

Q. You have not reduced this into writing, have you, Sir?—A. I put it down in writing at home, Sir.

Q. The day after?—A. The day after. Some account had been in the papers of what happened there, and I was mentioned, as it seemed to me. I was not attending the Speaker, and I thought it necessary to write to the Speaker, to give him an account of it, which I did.

Q. When Lord George Gordon told you to speak to the people in the Lobby, that put you in a flurry of spirits?—A. In a degree it did.

Q. Very considerable?—A. Yes.

Mr. Howarth. Q. How long did you stay in the House? How did you get away at last?—A. I came away with Mr. Wake, in his carriage.

Q. At what time?—A. I staid till the House was broke up, and the passage was then quite clear.

Q. Do you know how it had been cleared?—A. No, really I do not.

Q. Did you see any soldiers there when you came away?—A. Yes, I saw some.

Mr. Kenyon. Q. Not in the Lobby, I believe?—A. Not in the Lobby.

Mr. Howarth. Q. Where then?—A. In some of the avenues.

Q. Did you go away as soon as you were able?—A. I wished to have gone away much earlier; I went away after the House broke up.

Q. What prevented your going away earlier?—A. I wished to get away much earlier: I had an engagement of duty that evening, and went to the door-keeper of the back-stair case; he told me, if I went out he could not admit me again, therefore I was obliged to stay: I had an engagement of duty that evening.

Q. Why was you obliged to stay?—A. Because I was afraid to go out, Sir. I believe there is one circumstance I forgot to mention, that passed in the House. As Lord George was hastening to the door, I saw Lord North, who was sitting near the bar box, speak to him; and, as I judged from Lord North's manner, was persuading Lord George Gordon; and the consequence was, Lord George went to his seat.

Mr. Erskine. What signifies what you judge it.

Mr. Kenyon. You judged from Lord North's motion, not from any question that he asked him? It is not pertinent to the question.—A. I beg your pardon, it was no impertinence; I thought it was required of me.

JOHN CATOR, Esq. sworn.

Examined by Mr. DUNNING.

Q. You on the 2d of June last was in the House of Commons, had you any occasion to observe any thing that passed in the Lobby of that House?—A. Yes.

Q. Be so good as to tell my Lord and the Jury what you saw or heard?—A. As I had the honor of being in parliament in the last parliament, I shall be obliged to the Court for one moment's indulgence; to explain my situation out of respect to the noble prisoner. As I have sat in the House, having publicly related all that I have now to relate in another place, and in the presence of the noble prisoner, immediately after it had happened, and when I could have no view of this trial, which is I suppose to be the reason why I have been applied to by those whose duty it is to carry on this prosecution. I hope the Court and the noble prisoner will see, that I am here without being officious, and free from malice or ill will; but having said this, I must take the liberty of saying, I must think it my duty to attend the Court; and I ought not to shrink from that testimony which will be required of me.

Court. Q. There is no occasion for that apology?

Mr. Cator. On Friday the 2d of June, as I was passing from one of the committee-rooms, while the Lobby was filled with a multitude of strangers; and the House of Commons was under a question which they could not decide, as the serjeants and officers of the House could not clear the mob, as I was going through the passage at the top of the stair-case, where there is a rail that looks into the Lobby; I heard and saw a person in the Lobby, he called aloud Lord George Gordon, two or three times, I turned round, and I saw the noble prisoner near, who, upon hearing himself called, came to the rail and looked over. I did the same close to him. The same person said, my Lord, we are ordered to clear the Lobby, if your Lordship wishes we should clear it, we will do it directly; and without any trouble. The noble prisoner replied.

Jury. Q. This was not an officer of the House that said this?—A. I don't know who it was.

Court. Q. Was it one of the people that said, we are ordered to clear the Lobby, for that is the word the door-keeper calls out?

Mr. Cator. A. Some stranger asked that question; the noble Lord replied, I will tell you how the case stands. I have moved to have your petition taken now into consideration; there is Alderman Bull, and two or three more are for it, the rest are against it; therefore, if you wish your petition should be now taken into immediate consideration, you may stay or do as you please. All in the Lobby were silent and attentive. As soon as the noble prisoner had said what I last related, they pulled off their hats, and they cried, Now! Now! Now!

Court. Q. You don't recollect any thing else do you?—A. I don't recollect any thing else.

Mr. Dunning. Q. Do you recollect any thing else said to Lord George, or by him?—A. I recollect one thing, I forgot it before. There was a kind of a fault, and the noble Lord went over again and said, would not you wish to be in the same state that they are in Scotland. They answered, Yes, yes; and he said, Well, well.

(No Cross Examination.)

JOSEPH PEARSON, sworn.

Examined by Mr. NORTON.

Q. You are the door-keeper of the House of Commons?—A. Yes.

Q. Was you at the House of Commons on Friday the 2d of June last?—A. Yes, Sir?

Q. What time was you there?—A. It was between one and two.

Q. Inform the Court, what you observed in the Lobby at that time?—A. A great crowd of people.

Q. Were they distinguished by any marks in their hats?—A. Most of them, if not all, had blue cockades in their hats.

Q. Was there any general cry used by the persons in the Lobby?—A. No Popery! No Popery! A Repeal! A Repeal!

Q. How long did the mob continue in the Lobby?—A. Till near nine o'clock at night, I am not particularly certain or exact to the time, but pretty near nine o'clock.

Q. What was their behaviour during the time you was in the Lobby?—A. Calling out, A Repeal! A Repeal! No Popery! and things of that kind; and were hindering the members from coming in.

Q. Did

Q. Did you observe any thing done by any of them?—A. No.

Q. Did you observe the noble prisoner at the bar, Lord George Gordon, at the door?—A. Yes; he came to the door, I am not certain how many times, two or three times, and told them he should come out; and let them know what was going on in the House; that they had a good cause, and they had nothing to fear.

Q. Did you observe any thing else said by Lord George Gordon?—A. He came out once, and said Sir Michael le Fleming had spoke in their behalf; and that he had spoke like an angel. As the gentlemen crowded very much upon me, I said, for God's sake, gentlemen, keep from the door; and my Lord took his hand in this manner [*Putting his hand out from him*] "Pray, gentlemen, make what room you can for the members to pass, and behave decent; your cause is good, and you have nothing to fear."

Q. How was the passage to the House, crowded, or otherwise?—A. Very much crowded in the Lobby.

Q. How were they got out of the Lobby; you said they continued in it till near nine o'clock in the evening?—A. I believe they were got out by the soldiers.

Mr. Kenyon. We don't want to know about that.

Pearson. We got them out about nine, or between nine and ten; in my confusion I did not know really what time it was.

Mr. GODFREY BARWELL was called into the Court; but the Counsel for the Crown said, as he was called to the same point as Mr. Pearson was, they should not go into an examination.

THOMAS BAKER, sworn.

Examined by Mr. ATTORNEY GENERAL.

Q. You are lower-door keeper of the House of Commons?—A. Yes, Sir.

Q. Were you there on the 2d of June last?—A. I was there about twelve o'clock, Sir.

Q. When did the people come?—A. There were a great many people there, in the passage, at that time.

Q. At twelve, when you got there; pray what was their behaviour, or cry, if they had any?—A. They were, at that time, very quiet at first.

Q. What happened afterwards? What was their cry?—A. Afterwards the passage was very much crowded; I wanted them to make room for the members to go out, for to divide in the Lobby; when I made room for them they knew they were members; then they called out, No Popery.

Q. How long did they continue in this way?—A. Till night, till eight or nine at night.

Q. How were they got out?—A. I really can't tell how they were got out of the Lobby.

Q. Did you remember any troop of guards coming?—A. There were some guards came.

Q. Before the Lobby was cleared?—A. Yes, Sir, they were.

Q. Were you there on the Tuesday following?—A. Yes, Sir, I was there.

Q. What happened upon the Tuesday?—A. Nothing material upon the Tuesday; the crowd were all kept out upon the Tuesday.

Q. How were the crowd kept out upon the Tuesday?—A. I really don't know; I was not in the street; I imagine by the constables.

Q. Did you see them in the House?—A. No, Sir.

Q. You did not see them in the street?—A. No, Sir, I did not.

SAMPSON WRIGHT, Esq. sworn.

Examined by Mr. ATTORNEY GENERAL.

Q. You are a Justice of Peace of this county, I believe?—A. Yes, Sir.

Q. Pray, Sir, were you called, upon the 2d of June last, to the House of Commons and the House of Lords?—A. I was, Sir.

Q. Relate to the Court the occasion of your coming there; what you observed, and the directions you received; when you executed them?—A. I first came down at two, or between two and three; I observed then a vast number of people, but seeing then no kind of disturbance whatever, I went back to dinner. I then returned; I then came back to Guildhall, Westminster,

about four o'clock, or some little time past; I cannot speak exactly to the time. As soon as I had entered the Guildhall, the messenger from the House told me I was wanted there: I went with him to the House of Lords, where I received directions to clear the avenues to that House. The messenger who came from the Lords having told me, that their Lordships were much interrupted in coming to and going from the House, I desired the court-keeper of Guildhall, before I left it, to collect what constables happened to come there, to be ready upon my return, to assist me if wanted.

Court. Q. Who did you desire to do that?—A. The court-keeper; his name is Smith, my Lord. When I returned to the Hall, having received the directions which I mentioned, I found the windows of the Hall much broke.

Mr. Attorney General. Q. The Guildhall?—A. The Guildhall. When I entered the House, I found many people running about the House, as if seeking for some body.

Q. What house?—A. The Guildhall.

Q. You saw people running about the House?—A. I enquired the reason of it, and they told me they were seeking for some body.

Mr. Attorney General. You only know that upon which you are informed?—A. Yes.

Q. Tell us the condition you found the House of Commons in, and the number of people about it?—A. Prodigious crowds of people.

Q. Can you guess at the number?—A. No, I think it only the greatest crowd of people I ever saw in my life, except one occasion, and that was the coronation.

Q. Did you go to the House of Lords?—A. I returned to the House of Lords, and could do nothing for want of assistance.

Q. What did you do to get the House clear of these people?—A. I went to the Horse Guards; I there was directed to go to St. James's, and get some of the military to assist in clearing the avenues; they there directed me to go to the Savoy. Some time afterwards, a number of military came to the Horse Guards, where I desired them to attend, and I went down again to the House of Lords. That the Lords were that moment broke up; I then went up to the House of Commons, and cleared the avenues to that House and the Lords.

Court. Q. With the guards?—A. With the guards it took a considerable time.

Q. By that means it was free?—A. By that means there was a free place.

Q. What time of night might it be?—A. I really can't speak with certainty, I think it was past eight o'clock.

Q. Were you there upon the Tuesday?—A. I was up at Charing-cross upon the Tuesday.

Q. Did you see the mob go down with any marks about them upon the Tuesday?—A. I saw the mob go up, I was stationed at Charing-cross, I saw a vast number of people go up with colours flying upon the Tuesday.

Q. Had they any thing in their hats upon the Tuesday?—A. Yes.

Cross Examination by Mr. KENNYON.

Q. What was upon the flags?—A. I saw the flag but could not distinguish what was upon it.

Q. I believe they were not regular colours, but rags?—A. Upon my word I cannot tell, they had in their hands streamers, or something of that sort, I could not distinguish what.

SAMPSON RAINSFORTH, sworn.

Examined by Mr. BEARCROFT.

Q. Was you in New Palace-yard on the 2d of June last?—A. Yes, Sir I was at the King's Arms Tavern in New Palace-yard, I was up there at twelve o'clock, I saw the whole procession go by.

Q. Give an account what you saw there, what time of the day was you there?—A. Twelve o'clock.

Q. Now, give an account of what you observed?—A. I think about one there was a party came over Westminster-bridge, with blue cockades in their hats.

Q. What number might there be?—A. Couple of hundreds.

Q. Give an account of what you saw?—A. They that came across the bridge had blue cockades in their hats, marched directly down George-street, and went into the park, I was at a two pair of stairs window in Bridge-street, and saw them.

Q. Did

Q. Did they say any thing?—A. No Sir, they were very peaceable then, I think about two o'clock the whole cavalcade came with flags, I don't know whether there was not bag-pipes with them. They went very orderly. I had a gentleman with me; and I said, now we will go to the Lobby, and see what was done there.

Q. Were they joined by others?—A. I fancy the other party joined them.

Q. Which way did the other party come?—A. The Charing-cross way.

Q. Which way did they march to?—To the House of Commons.

Q. They had colours flying and bag-pipes playing I think?

A. I think there was.

Q. Did you observe any ribbons in the hall?

A. A great many, almost every one that walked in the procession had ribbons.

Q. What colour?—A. Blue ribbons.

Q. Did you go then to the Lobby?—A. I did, I went with a friend.

Q. Answer what did you see there?

A. I saw Lord George Gordon; the door of the house was open; the Speaker of the house was not in the chair, Lord George standing with a cockade in his hat in the door-way.

Q. What sort of people got into the Lobby?

A. The lowest sort of people, some were a decent set of people, most of the lower class.

Q. Were they of the same kind of people with those that passed before?—A. I believe they were.

Q. How long did you stay in the Lobby?

A. Not above ten minutes. There was a gentleman Col. Miles, Lord George, and myself was harranguing them to clear the way for the members, but they cried, "Repeal the Bill, Repeal the Bill, the Bill!" but they did not hear Lord George.

Q. Was there any other cry?—A. No.

Q. You say you went away then?—A. I went away.

Q. Do you remember any thing else?

A. I was at the Ambassador's-chapel. I was spending the evening with some friends.

Q. What time was it?

A. About eleven o'clock, or a little after.

Q. What Ambassador's-chapel?

A. The Sardinian Ambassador.

Q. Give an account what was done there?

A. About eleven o'clock, or a little after, when we were spending the evening, the mob was burning down the Sardinian Ambassador's-chapel in Lincoln's-Inn-fields.

Q. Did you go there?—A. I went.

Q. I want you to give an account what you saw yourself, and what you said?—A. I said to the company present, Gentlemen, this is a shame to have an Ambassador's-chapel pulled down. When I was high constable, with two or three more, I could put two or three hundred to flight. I went and made my way into the Chapel, not then on fire. They had thrown down the organ and the altar, I believe. They were throwing the inside of the Chapel out; and the other people threw it into the fire; and, what astonished me was, there was not above five or six people in the Chapel. There were four or five in the Chapel, pulling down the inside.

Mr. Kenyon. Q. I must submit to your Lordship whether this is evidence to affect Lord George Gordon, who is noways connected with it?

Court. No doubt; it is evidence what these people did. What they are to shew is this:—They are to shew these people were assembled illegally, and committing acts of violence, with an intent to force a repeal; and you have not examined to the procession coming, and the obstruction given to the Members. The witness hath said (but you stopt short in examining him) he saw one of the Lords very ill treated.

Mr. Rainsforth. When I quitted the Lobby, I went to see what was doing in the House of Lords. Lord Mansfield came in his carriage, and several of the bishops. They were all of them insulted. I said to my friend, there will be an open insurrection before this is done, in my opinion. I was ordered back to the Lobby. I was in the Lobby about three. The Speaker was in the chair, my Lord stood in the front; he said nothing that I heard; Colonel Miles did. I went from the Lobby to the House of Lords, to see what was doing in Old Palace Yard.

Q. Did you observe any thing more in the two Houses of Parliament, or any thing near them, before you went to Lincoln's-Inn-Fields?

A. Nothing more.—I said I was with some friends—they were not assembled when we had this news brought—the

Sardinian ambassadors chapel was burning down, as I said before. I told the gentlemen, if they would but go, we could suppress the mob, which was generally consisting of a few banditti, boys, and common people. We went, and I made my way into the chapel, where was not above five or six people destroying the chapel. Then it was gone half after eleven. I seized one man by the collar, and with Mr. Maberley's assistance, had brought one man almost out of the mob. I brought him to Mr. Carpieu, the Silk Dyer's door. They said, "Damn him, he is the late High Constable; knock him on the head." He was rescued.

Q. What number of people might there be?

A. There might be two or three hundred.

Q. What was their cry at the time?

A. *No Popery!* was the reigning cry among them.

Q. Had those people attending any cockades in their hats?

A. Most of them.

Q. And the cry was *No Popery*?—A. Yes.

Q. Tell us the colours, Mr. Rainsforth?—A. Blue.

Q. He was rescued from you by the mob?—A. Yes.—I was in great danger of being knocked on the head. Immediately I went down to Somerset House for the guards.

Q. What was done with the chapel? What became of that?

A. I will tell you, if you please, when the gentlemen will give me leave. I went down to Somerset House barracks for the guards. General Winyard, as commanding officer, gave me his assistance. I mustered a hundred men, with bayonets. General Winyard very readily complied, and gave me every assistance in his power. I desired Mr. Maberley to take some of Sir John Fielding's people with him; as I had spoke as I went along to get some ready, and to seize some of the ringleaders. When we came up with the guards, Mr. Maberley went and seized Mr. Land; that let the chapel then on fire; and going to burn the inside of the chapel. On my going up with the soldiers with Gen. Winyard, I desired every person in the chapel to be seized, and taken into custody. I stood and formed the soldiers. The General said he thought I understood something of the rioting business, and desired me to place them. I formed the soldiers all round three deep, and made a prison in the street.

Q. Were the mob dispersed at last, with the assistance of the soldiers?—A. No, Sir.

Court to the Counsel.—Q. You are speaking of different times—he speaking of the burning the Sardinian Ambassador's chapel—you of the House of Commons?

Mr. Bearcroft. No, my Lord, I mean the people at the chapel.

Mr. Rainsforth. We took thirty; I did not know any place so secure as to take them down to the Savoy, for the Watch-house would not be in existence long; therefore they were carried to the Savoy. They had some more in custody, and a Russian officer; about whom a good deal has been said. He was in the Ambassador's chapel, I saw him there; and more soldiers being then brought up, the mob dispersed.

Q. What did you do with the men?

A. The next morning being Saturday, they were examined at Sir John Fielding's office, and I believe one was discharged, and the rest remanded back to prison. Upon the Monday, they were examined again, and five of them were fully committed to Newgate.

Q. Did you give any evidence?

A. No. I was no evidence. I attended.

Q. Was it attended with ill consequences to you?

A. Yes; my son sent me a letter that my house was to be pulled down; and people told me I should never go alive home.

Q. Was your house down?

A. I went there, and it was not. My neighbours and friends desired me to withdraw to my daughter's, so I did. I was not threatened, my apprentices were threatened.

Q. Your house was pulled down?

A. The inside, the windows, and my property was taken out and burnt.

Court. Q. You said some of the Lords and Bishops were insulted in going to the House of Lords. In what manner were those Bishops and Lords insulted in their carriages as they went down to the House?

A. I saw them go out, and go down to the House. There was hissing and shoving them about.

Q. Did you see them shoving them about?—A. Yes.

CHARLES JEALOUS, sworn.

Examined by Mr. HOWARTH.

Q. Were you upon the 2d of June in Old Palace-yard?—A. I was.

E

Q. Give

Q. Give an account to the Jury of what you observed there; the number of persons, and in what manner they assembled themselves there?—A. I saw a great number of people there. I had not been there before I saw a carriage stop, which they told me was the Bishop of Lincoln's carriage.

Q. Give an account of what was done to that carriage?—A. The wheels of that carriage were taken off. I saw a Gentleman pulled out, which they told me, was the Bishop of Lincoln—They pulled off his wig, and struck him on the face with it.

Court. Q. His horses were going towards the house?—A. Going towards the house.

Court. Q. What was the cry at the time?—A. No Popery.

Mr. Howarth. Q. Was any other cry made use of?—A. No—I cannot recollect any other cry, but No Popery.

Q. How did the Bishop of Lincoln escape from them?—A. He got into a house; whose house it was I don't know. I saw no more of him.

Q. What number of persons got about his carriage, and were assembled together in Palace-yard at that time?—A. A great many, but I cannot particularly mention.

Q. Did you observe in what manner they assembled? Did you observe them coming there?—A. Those I saw pull off the wig, had no cockades at all on.

Q. Were there any persons there that had? A. good many.

(No Cross Examination.)

PATRICK MACMANUS, sworn.

Examined by Mr. HOWARTH.

Q. Were you in Palace-yard upon the 2d of June last?—A. Yes, Sir.

Q. Were you stationed any where near there?—A. At Guildhall, King-street.

Q. Did you observe any number of people assemble themselves about Palace-yard, and the avenues leading to the House of Commons?—If you did, give an account in what manner they came there, and what their conduct was?—A. Sir, I was sent from Bow-street to Guildhall. When I had been there about a quarter of an hour, I heard a great noise at the door. I ran out, and I saw a Gentleman run through the passage, and a number of people followed, crying, No Popery! Repeal the Act! I turned round and met a gentleman; and I said, shut the door. The housekeeper, Mr. Smith and I attempted to shut the door, but could not.

They said if we did not open the door; they would break down the house. Mr. Smith went down stairs, and brought some broom-sticks in his hand, and said, we will keep them out.

Q. Do you know who this Gentlemen was that did run through?—A. No. I do not. I heard them say it was Mr. Wellebore Ellis.

Q. Did you observe his carriage?—A. No, Sir, I did not see his carriage—I was in the house.

Q. What did the people proceed then to do?—A. They searched all the places, and they could not find him, and they broke the back door of a place for him, were they said he went. When they could not find him, they came out again. They broke down a door of the hall into the passage, where they said he went through; they searched the house and could not find him.

Q. Was any injury at that time done to the house?—A. Yes, I believe there were some of the front broke.

(No Cross Examination.)

DAVID MILES, sworn.

Examined by Mr. NORTON.

Q. You are a constable, I believe?—A. Yes, Sir.

Q. Were you in Warwick-street, upon Friday the 2d of June, in the evening?—A. Yes, Sir.

Q. What did you observe there?—A. I went to the House of Commons upon Friday the 2d of June, in the evening.

Q. At what time in the evening?

A. At past eleven o'clock.

Q. What did you observe there? Tell us what you saw in Warwick Street?—A. I went home to my own house, and after that I understood the mob were at Warwick Street chapel.

I saw none of the mob in Warwick Street at all. I heard there was a party of soldiers brought to drive the mob away. I went to Count Haslang's, to assist to take the mob out of the house. As soon as Justice Hyde, and part of the soldiers came up, we went round into the street.

Q. What was the cry? Was there any general cry?

A. The mob was gone before I went out.

Q. What house did you say you was at before the mob was gone?—A. I say I went to Count Haslang's house. I was in the house till I had word brought me Justice Hyde was there. I came out of Golden Square when they were all gone. They were run off.

Court. You are screwing out of the witness what he cannot say.

Mr. Norton. Q. Was you at Sir John Fieldings's upon the Monday following?—A. Yes, Sir.

Q. What reason had you for going there?

A. I took a man up by order of Justice Hyde, for robbing Count Haslang's chapel, and I went and secured him, and on Monday I went to the examination.

Q. Did any thing happen to your house, soon after that?

A. Yes; my name was in the papers upon the Tuesday; and my house was burnt between twelve o'clock on Tuesday the 6th, and three o'clock on Wednesday the 7th, and all my things were burnt.

(No Cross Examination.)

THOMAS GATES, sworn.

Examined by Mr. ATTORNEY GENERAL.

Q. You are the City Marshal, are you not?—A. Yes, Sir.

Q. Do you recollect any disturbances in the City of London, or near it, upon Sunday the 4th of June?

A. I recollect a disturbance upon both those days.

Q. What days?—A. Upon both Sunday and Monday.

Q. Where was it?—A. Upon the 4th of June it was in White's Alley, at the Roman Catholic Chapel.

Q. Were there any houses destroyed?

A. There were three houses.

Q. Were they the houses of Roman Catholics?

A. I believe they were, I am not certain.

Q. Were they reputed Roman Catholics?

A. They were reputed to be so.

Q. What was the cry at the time?

A. The cry was No Popery!

Q. This was upon the Sunday?

A. This was done upon the Sunday.

Q. What was done upon the Monday?

Mr. Kenyon. My Lord, I cannot permit such questions, as I think objectionable, to be asked, without my objecting to them. This is a matter not connected with the business of Friday. This is a different overt act, happening in the city of London, in Moorfields.

Mr. Attorney General. After an overt act is proved in one place, you may prove it in another.

Mr. Kenyon. You may give an overt act in evidence, after one has been proved, in any other place. But the ground upon which this is supposed, is, it should have been preceded by some evidence, to connect the parties who violated the laws in those places, with the parties that violated the laws here. It is not that I am afraid of the consequence resulting from it; but I make the objection, because it will shorten the business.

Mr. Attorney General. Surely after what we have already of the business that was done upon the Friday—surely it is evidence proper to be received, that a mob, who committed those violences, had the same distinction and cry that distinguished those at the House of Commons.

Court. There is no doubt, you are at liberty to give in evidence every thing that shews the mob that assembled upon the 2d of June, had a general intent, by terror and acts of violence, to force a repeal of the act. That don't affect the Prisoner, till you make him accessory. But every circumstance that shews their intent, you may give in evidence. To be sure, if you give evidence of an overt act in the county where it is laid, you may give evidence of an overt act in another county; and you have done it already. You began it in Surry. I own, I would rather wish to shorten it, for we cannot, in this case, adjourn at all. It is a case which every body knows. I wonder, you don't rather, for the sake of shortening it, and accommodating the parties, go to the acts of violence on the 2d of June, upon the members of both houses.

Mr. Attorney General to Mr. Gates. Had the people any cockades upon the Monday?—A. They had.

Q. What colour?—A. Blue cockades.

Q. What was done upon the Monday?

A. They had not completely finished the business they were about; and they assembled again, and broke down the walls and the floors.

Q. What was done upon the Tuesday?—A. upon the Tuesday they fired several houses and the gaol of Newgate, and afterwards the Fleet Prison and Mr. Langdale's House.

Q. Upon Tuesday they fired several houses, you say?

A. Yes, Sir.

Q. Were they the houses of reputed Catholics?

A. They were so.

Q. And the gaol—they set fire to it?—A. Yes, Sir, they did.

Q. Did they deliver the prisoners from them all?

A. Yes, Sir, they delivered all the prisoners.

Q. What was done upon the next day?

A. The next day they were repulsed; they were quelled.

Q. What was the cry at all these times, when they were pulling down the houses?—A. No Popery.

Court. Q. They cried *No Popery!* Was that only one day; or did it continue each day?

A. The cry continued each day, till the soldiers quieted them.

WILLIAM HYDE, Esq. sworn.

Examined by Mr. HOWARTH.

Q. You are a justice of peace?—Yes, Sir.

Q. Did you, Sir, upon Friday the 2d of June, observe the people at the Bavarian Minister's chapel; were you there, in Warwick Street?—A. I was there, about twelve o'clock at night, with a constable belonging to the parish of St. James.

Q. Now, inform the Jury of the number of persons you saw there assembled, and what their conduct was?—A. When I came to Warwick Street, I saw a vast number of people, with cockades in their hats; and, upon my going there with a party of soldiers, I meant to secure as many of them as I possibly could. As soon as I came to the front of the house, a man was bringing something out belonging to the chapel. I struck at him, and knocked him down, and secured him, and sent him to the watch-house.

Q. Was the chapel destroyed?—A. Yes, Sir, it was; all the inside of it.

Q. Was there any cry made use of by those you saw there with cockades?—A. *Down with it; No Popery!*

Q. What force had you, Mr. Hyde, to disperse these people?—A. I believe about twenty men.

Q. Soldiers?—A. Soldiers.

Q. Now, do you remember, upon the Monday evening following, being called upon to go to act any where? A. I was called upon, on the Sunday evening, to go to Lincoln's Inn Fields. There was a vast number of people demolishing the remainder part of that chapel.

Q. Now, what number of persons did you observe there?

A. Some hundreds.

Q. Did you observe whether they had cockades on? A. I cannot take upon me to say, whether there were on the Sunday, or not.

Q. Now, upon the Monday?—A. I was at Warwick Street chapel, on the Monday. Information came to me, that they were going to destroy Sir George Saville's house. I immediately set out to go there. When I came there, there was a vast number assembled with cockades in their hats. The horse guards came immediately into the square, and I ordered them to disperse the people. I went at the head of them; and, with a great deal to do, we drove a vast number of people away.

Q. Was there any general cry made use of by the people at Sir George Saville's?—A. *No Popery! Down with it! No Popery!*

Q. Do you recollect, upon the Tuesday the 6th of June, being upon duty any where that day? A. Yes, Sir, upon Tuesday the 6th of June, I met at Westminster with my brother magistrates, and my station was fixed at Charing Cross. While there, I was informed that a vast number of people were coming over Westminster bridge, with flags; and that they had stopt all the avenues of both Houses of Parliament. As I came down to Westminster, I found, in Palace Yard, several carriages stopt; and in Parliament Street, some of the carriages had written upon them, *No Popery!* others they would not let go at any rate. I immediately went to acquaint some more magistrates in the neighbourhood of it; and, from that, I went and called out the horse and foot. When we came into Palace Yard, we saw several coaches go-

ing along, stopt by the mob. We drove them away, and they went peaceably along: and we cleared the avenues to the house as well as possible.

Q. Cannot you take upon you to say whose coaches they were?—A. I cannot. While I was in Palace Yard, many times I was told the members were stopt from coming to the House. Then I set out again to clear Parliament Street; several times. At last, they came to tell me that Lord Sandwich was killed, or lay dying in Parliament Street.

Q. Who told you?—A. I don't know who he was. I set out with a party of soldiers.

Q. Who brought you that information?—A. I don't know the gentleman: mention was made, that Lord Sandwich was stopt; and, if not murdered, was very near it; or would be killed before we could possibly arrive. We set out immediately; and, before we came to the end of Parliament Street, we found Lord Sandwich's carriage broke, and he had a cut upon the left side of his head.

Court. Q. Was it done by part of this multitude, part of the Mob?—A. Yes.

Mr. Kenyon. Q. How do you know that? You did not say it before?

Mr. Attorney General. Q. In what state did you find him? Was the mob about him when you came there?—A. Yes. The mob were about him; he had a cut upon the left side of his head. The glasses were broke. I asked his Lordship which way he pleased to go.

Q. You rescued him, did you, Sir?—A. Yes. He said, he wished to go home. I conducted him home.

Q. What force had you with you?—A. I suppose I had a dozen or fourteen of the light horse.

Q. What did you proceed to do after that?—A. We came back again to Parliament Street. The coaches, as usual, were stopt as before. We cleared the street, as well as we could, and got into Parliament Street again.

Q. Had these persons about Lord Sandwich any cockades in their hats?—A. Yes, Sir.

Q. What cockades?—A. Blue cockades.

Q. Was there any cry made use of by the people?—A. *No Popery!* in Parliament Street.

Q. Did you observe this great multitude, that assembled on Tuesday, had any thing in their hands?—A. At first I saw no weapons in their hands. They had flags in their hands; they were shouting, and making a noise, and crying *No Popery!* This was at the beginning. In the afternoon, between three and four of clock, they got some weapons.

Q. About three o'clock in the afternoon they had got some weapons, you say; what were they? A. They were faggot sticks, piled; I believe they were oak sticks, with the bark taken off; new faggot sticks, piled. This was upon the Tuesday the 6th of June.

Q. What were the numbers of those people who appeared so armed?—A. Some thousands of them.

Mr. Kenyon. Q. All this time you speak of, you was in Parliament Street?—A. Yes.

Mr. Howarth. Q. In consequence of this conduct of your's, was there any thing done to your house, and when? A. I was sent for.

Q. I only ask the fact, if any thing was done to your house, and when?—A. My house was pulled down in St. Martin's Street, upon Tuesday; and, upon the Wednesday, my house was pulled down at Islington.

Cross Examination by Mr. KENNYON.

Q. You were not present when Lord Sandwich was stopt, and his carriage broke?—A. No.

Q. You know nothing of the parties guilty of that outrage?—A. I do not.

Mr. Attorney General. Q. You found him in the hands of the mob?—A. Yes.

Mr. Kenyon. Q. How in the hands of the mob?—A. I will tell you an instance. One man, a very resolute, impudent fellow, had a stick with a large head, and a leathern apron, or something twisted round the top of it; and he said, if he did not murder him then, he would before he had done with him.

Q. Who was that man?—A. I don't know. My chief attention was to his Lordship.

LORD PORCHESTER, sworn.

Examined by Mr. ATTORNEY GENERAL.

Q. Was you at the house on Friday the 2d of June?—A. I was.

Q. Was

Q. Was there on that day, a riot at the house; an assembly of people?—A. There was.

Q. Did you observe any thing in their hats?—A. cockades.

Q. What sort of cockades?—A. Blue cockades.

Q. Did you observe the Prisoner that day, whether he had a blue cockade or not?—A. I did not see the Prisoner that day, but in the House of Commons.

Cross Examination by the COURT.

Q. The Jury want to know whether the Prisoner had a blue cockade upon the Tuesday?—Had Lord George Gordon a blue cockade in his hat on Tuesday the sixth?—A. I only saw the Prisoner in the house.

Q. No matter where you saw him?—A. I certainly saw him with a cockade in the house on Tuesday.

JOHN LUCY, sworn.

Examined by Mr. NORTON.

Q. Was you in Palace-yard on Tuesday?—A. Yes.

Q. What time was you there?—A. between four and five o'clock in the afternoon.

Q. What did you see?—A. A very large mob, upon Tuesday the 6th of June, in Palace-yard. I observed a very large mob there.

Q. Had they any thing in their hats?—A. blue cockades, some had. I had not one in my hat.

Q. Was there any general cry among them?—A. The cry of *No Popery*.

Q. Did you see any thing of a flag amongst them?—A. I saw there flags.

Q. Did you know any persons who bore those flags?—A. one James Jackson.

Q. Where did they go from Palace-yard?—Mr. Justice Hyde, as I was informed, ordered the horse up as soon as they reached the mob, in order to disperse them. James Jackson hoisted the flag, and cry'd, *To Hyde's house, a boy!* to destroy his house, because he ordered the Horse to ride amongst the mob.

Court. Q. Who did?—A. Justice Hyde. James Jackson carried a black and red flag. James Jackson proceeded in the front of the mob, and was followed by a great number of people, some hundreds, to Mr. Hyde's house. There they broke in, I did not see them break in; but I saw James Jackson there with the same flag; and I saw the goods thrown out of Mr. Hyde's house, into the street, and burnt. This James Jackson waved his flag; and went backwards and forwards with his flag, and cry'd out, *A boy! for Newgate, to let out the prisoners!*

Q. He went backwards and forwards in the street?

A. Yes.

Q. What did the mob do then?

A. They followed him in great numbers to Newgate. I saw them afterwards at Newgate.

Q. Did you see Jackson at Newgate?

A. I saw Jackson at Newgate.

Q. Had he a flag in his hand?—A. I saw him in the inside of Newgate, with a flag in his hand.

Q. What was done at Newgate?

A. I saw it in flames. One thing I must mention. I was one of the Protestant Association, my Lord; and I know this James Jackson to be a very desperate young fellow.

Mr. Norton. We are not asking after James Jackson.

Captain BERNARD TURNER, sworn.

Examined by Mr. HOWARTH.

Q. Mr. Turner, will you inform the Court what happened on Wednesday night, that fell within your observation, and on the Thursday morning?—A. Upon Wednesday morning, my Lord, betwixt six and seven o'clock, the London Military Association were under arms, to assist in dispersing the mobs that were then all over the City of London.

Q. What business are you?—A. I am a sugar-refiner. The Association I had the honour to command, marched to Bread-street, to disperse the mob that were then destroying the house of a Mr. Donovan. We came in sight of Mr. Donovan's house, and saw a very large mob that were destroying it, taking out the furniture that was in his house, and burning it in the street, before the house. We halted a little before we came to them; and I, as the commanding officer of that detachment, used all the words that I could to disperse them, without force,

and found that ineffectual; and we were, afterwards, obliged to fire. After firing four or five minutes, the mob dispersed, and some prisoners were taken in Mr. Donovan's house. Afterwards, the Association marched down to St. Catherine's, where some of the mob were destroying the house of one Le-berty. I think the rest of Thursday evening, and Friday morning, the Association were employed in marching after the mob, where they heard they were assembled, and dispersing them. Upon the Thursday, about six or seven in the morning, the Association were dismissed for that time.

Q. Was there no general cry about the houses you mentioned? A. The general cry I observed, was *No Popery! Down with the Papists!* and expressions of that kind.

Q. Mention to the Jury the several places that were destroyed on the Wednesday night, and the Thursday morning? A. We saw the house of Mr. Mollyner attacked, in the Poultry; but the guards had dispersed that mob, before the Association assembled. We saw, before that fire at Mr. Donovan's, the destruction of Mr. Leberly's house, and several fires at a distance. That of the Distiller's, at Holborn Bridge, Mr. Langdale's, the Toll-house, Blackfriar's Bridge, the King's Bench prison, and New Bridewell. All those fires we saw from different parts of the town, while we were upon duty.

Q. Did you observe that they had any thing in their hands that you saw?—A. The mob were armed with iron bars, spokes of wheels, and, some few of them, with cutlasses: and, I believe, the mob before Donovan's house had an old piece or two. I can swear to one or two old pieces being in the hands of the mob we dispersed.

Q. Fire-arms?—A. No Fire-arms. But chiefly armed with bludgeons, spokes of wheels, and iron bars.

Q. Now did you observe whether those persons had any cockades in their hats?—A. A great number wore blue cockades all that evening, and upon the Wednesday evening.

Q. Where?—A. Cheapside.

Q. Was it that night, or the next morning, they were dispersed?—A. The Association assembled at the Paul's Head, about six o'clock, to the best of my recollection; and, in marching down, a part of Cheapside and the Poultry were so full of mob, it was with difficulty we got through.

Q. Had those persons cockades in their hats at that time?

A. Many of those people had cockades in their hats; but that assembly was not armed, as those that attacked Donovan's house.

Q. Was there any cry?—A. The usual cry, *No Popery!* that night; *No Popery!* and *Down with the Papists!*—My Lord, the gentlemen of the Association, now under arms, to the number of 200, want to know if am dismissed?

Court. A. Certainly.

RICHARD POND, sworn.

Examined by Mr. ATTORNEY GENERAL.

Q. Look at that paper, [*Produces a paper to him,*] and tell us whether it is the signing of the Prisoner at the bar, Lord George Gordon?—A. I believe it is; I saw the person sign it. He was pointed out to me for Lord George Gordon.

Q. Had you seen him before?—A. I don't recollect that I had.

Q. Look about the Court, and tell us whether you see him?—*[The Prisoner, who, before was sitting, immediately rose up.]*

A. That is the man.

Q. Is that the person you saw sign it?—A. Yes.

Q. Why did you apply to him?—A. I thought it might have some effect to obtain security for my house.

Q. Did it obtain security for your house?—A. That I cannot take upon me positively to say.

Q. Did you produce it to the mob?—A. I did produce it to the mob.

Q. Was your house pulled down?—A. It was not.

Q. What was the ground of your apprehension?—A. I was informed by some neighbours, that it was on a list with some others, that were in danger.

Q. What was the ground of your apprehension?—From the house being upon the list.

Q. Was it inhabited by Catholics, that it related to your house?—A. Yes. It was inhabited by one who was of that religion.

Court. Q. Was it a lodger; or was it inhabited by him?

A. It was inhabited by that person?—It was a house I had upon lease, and he has the house under me.

Q. Is he your under tenant?—A. Yes. He is my under tenant.

[*The Paper, signed by the Prisoner, was read.*]

" All true Friends to the Protestant I hope will particular
" and do no injury to the property of any true Protestant as
" I am well assured the Proprietor of this house is a staunch
" and worthy Friend to the Cause

" G. GORDON."

Cross Examination by Mr. KENYON.

Q. Where was Lord George Gordon, when that paper was signed by him?—A. In a coach.

Q. Was not one of the magistrates of the City of London with him in the coach?—A. Yes. Mr. Pugh, I can swear to.

Q. Did you bring that paper ready written, and produce it to his Lordship?—A. I did.

Q. And you told him it would be of use to you, if he would sign it?—A. Yes.

Q. When was it signed; what day of the week was it?

A. Upon the Wednesday.

Q. Lord George Gordon was in the city; Mr. Pugh was with him in a coach, who was a city magistrate; you took the paper to him ready written, and told him, you thought it would be of use to you, if he would sign it; and, at your request, he signed it; Do you know, whether he read it before he signed it, or not?—A. Sir, I cannot positively say.

Q. How came that piece of paper to be gone out of your hands?—A. By the application of Mr. White, and Mr. Alderman Wilkes.

JOHN DINGWALL, sworn.

Examined by Mr. BEARCROFT.

Q. Do you know my Lord George Gordon?—A. Yes.

Q. Did you ever see him write?—A. Never.

Q. Upon your oath, did you ever see him?—A. Never, to my knowledge. I never saw him subscribe his name, in my life. I never received a letter from him: I never wrote a letter to him.

Q. Will you take upon you to say, you never saw him write?—A. I never saw him write his name, to my knowledge.

Q. My question is, upon your oath, did you never see him write?—A. I certainly, to my knowledge, never saw him write.

Q. Do you mean to say, that, to the best of your knowledge and belief, you never saw him write?—A. To the best of my recollection and belief, I never saw him write.

Q. You never had any correspondence with him?—A. Never any correspondence with him, that I know of.

Cross Examined by Mr. ERSKINE.

Q. Though you had no correspondence in writing with Lord George Gordon, yet you are well acquainted with him?—A. Yes, I am; but never had any business with him.

Q. How long have you been acquainted with Lord George Gordon?—A. From his birth.

Q. Did you not see Lord George Gordon at any time, and how long before this meeting that took place [in St. George's Fields] in the month of May; did you see Lord George at any time?—A. I saw him the night before the meeting in May.

Q. Do you recollect whether Lord George Gordon, in May, the time you speak of, said any thing to you upon the subject?

[Mr. Attorney and Mr. Solicitor General objected to that being evidence. They observed it might be against him; but could not be evidence for him.]

Court to Mr. Erskine. Unless it be spoke to as evidence of what happened at Coach-makers-hall, or at St. George's Fields, it is not evidence.

Mr. Erskine. I submit this to your Lordship, that I have a right to put this question to Mr. Dingwall, whether or not he saw Lord George Gordon, the night before the 29th of May, when this meeting was held at Coach makers-hall; and whether he said any thing to him upon the subject of that meeting.

Court. The distinction is this: if you call him as to what passed the day before the meeting upon the 29th of May, as they have given evidence of what he said at the meeting upon the 29th of May, you must show how it connects with that meeting, before you can go into evidence the day before.

Mr. Kenyon. My Lord, the meeting in St. George's Fields, upon the 2d of June, in consequence of that on the 29th of May, either was, or was not, legally assembled. The motives for which they were assembled by Lord George Gordon,

were to show, whether it was legal or not, or for purposes hostile to the law, and illegal. If Lord George Gordon thought it was legal, he had a right to assign his reasons, why he did go up with the Petition; because, he had been told, he would bring forged names to it; and he had a right to obviate that objection. I beg for candour, at least, if not for mercy. If he assembled a party at that moment, for that purpose, with great deference to the Court, it appears to me, I solemnly protest, to take off the sting from the business. Therefore, from this observation, and what Mr. Erskine has said, I cannot abandon the cause of my client, in a matter of the last consequence to him. I apprehend, we have a right to examine as to every motive of his conduct, whatever it might have been, and see whether it can be construed into guilt, or criminality; or whether it absolves him from guilt. I, for one, therefore, do conceive, if Lord George Gordon can demonstrate to your Lordships and the Jury, what the motives were, that induced him to take the part he did, it will go a great way in the extenuation of his guilt.

Court. There can be no doubt of it; that his motives cannot be proved by his own private declaration.

Mr. Erskine. Your Lordship was pleased to observe to me, I was going to a time antecedent to that which has been brought in evidence. The first witness upon the part of the Crown, Mr. Hay, spoke to expressions of Lord George Gordon, as early as the February before; and, therefore, this, which is subsequent to the time of that declaration of Lord George Gordon's, may be given in evidence against him: It seems the most extraordinary thing to me, that a man should be called up to condemn Lord George Gordon, upon words spoken at one time, and another man should not be called to give evidence to words subsequent to it; and admitted to explain it. From what proceeded from your own mouth, my Lord, I am entitled to that objection. This is five or six months subsequent to what was spoken of by Mr. Hay; for he speaks of circumstances in February; I am now speaking of a circumstance on the 29th of May.

Court. It makes no difference whether precedent or subsequent. He cannot give in evidence, as a proof of his motives, his own private declarations.—It is impossible.

Mr. METCALF called in again.

Mr. Attorney-General. Q. [Shewing a Copy of the Journals of the House of Commons.] Have you examined that with the Journals; and is it a true copy? A. It is a true copy. [Copy of the Journals of the House of Commons, dated 14th of May, the 18th of George the Third; containing the proceedings of the House upon Sir George Saville's motion for bringing in the Bill to relieve the Papists from certain penalties imposed upon them in the Act of the 11th and 12th of King William the Third, was read.]

Mr Attorney General. I had this read to the Court, to shew that the Bill was brought in by Sir George Saville.

General SKEENE was then called.

Mr. Kenyon. My Lord, I understand that the witness now called up is to prove the riots in Scotland. My Lord, I object to the evidence.

Mr. Attorney General. The example the Prisoner held out to them was the very riots in Scotland.

Mr. Kenyon. I ask pardon; he held out no such thing to them. He holds out an example; and I hope it will not be proved, it is not for the honour of Government it should be proved, that any of those riots prevented the Legislature from passing an Act. If the Legislature found that Act was contrary to the wishes of the people they governed, perhaps they are right by conciliating measures, and not enforcing it. But it has not been proved, cannot be proved, it would be to the eternal disgrace of Government if it should be proved, that Government gave way to the riots in Scotland. Your Lordship will recollect, the words of the witnesses, "That Lord George Gordon desired them to be temperate and firm; and that the people of Scotland prevailed upon the Legislature not to extend the law into Scotland." I think it is extremely distorting the language of witnesses to draw from a witness such conclusions as the Attorney General wished from that evidence.—That it was done in consequence of the riots. I object to that evidence.

Mr. Erskine. I submit to your Lordship it is not evidence. All the witnesses that have spoke upon the words that Lord George Gordon said with respect to the business of Scotland, said, he desired them to be temperate and firm. By that means the people of Scotland had redress from Parliament. But as Mr. Kenyon has mentioned to your Lordship, it cannot be used

in this Court, without eternal disgrace to the Legislature; because that redress being given upon the riots, was not proved to exist, and which ought not to be believed in this Court, though notorious, unless it is proved to be connected with any such meetings of the Protestants: A discourse of this kind is not to be proved. Unless it can be shewn that Lord George Gordon desired the mob to burn the houses, as they did in Scotland, it is impossible to bring it home to him.

Court. You mistake the application. They cannot mean to impute the pulling the Mass houses down to Lord George Gordon; but it is evidence in this view to the speech attributed to Lord George Gordon, affected to relate to the people that had associated; as one of the witnesses said, "The Scotch had no redress till they pulled down the Mass-houses." It was only to what was attributed to him that speech had an existence.

Mr. Erskine. Then who pulled down the Mass-houses? Will they prove the Protestant Association of Scotland pulled them down. In his speech at Coach-makers-hall, he mentioned the firmness of their brethren in Scotland, that is the brethren of the Protestant Association. I should be glad to know if they can prove that the brethren of that Association ever were guilty of such riots.

Mr. Solicitor General. His Lordship says they had relief when they pulled down the Mass-houses in Scotland. That Lord George Gordon spoke of, in express terms spoke of, as appears by Mr. Bowen. The only question is now, not how the evidence will operate; what was the application and force of it; but merely, whether we are to give evidence to explain fully the meaning of what Lord George Gordon said. He speaks of the language used with respect to Scotland, which must have some meaning; and expressly about the destruction of the Mass-houses, what the Scotch had done. The single question is, Whether we are not at liberty to prove the Mass-houses were so destroyed? I cannot possibly see any objection to the evidence.

Court. The example of the Scotch firmness, and that they carried their point by it, they have given in evidence by two or three evidences in different expressions; and to these Gentlemen assembled together, the example of the Scotch had been held forth; and it is in different expressions. One of the witnesses says, "He told them the Scotch, by their readiness and firmness, had carried their point, and he had no doubt that when his Majesty heard his subjects were coming up from miles round, he would send to his Ministers to repeal it." In another place he says the Scotch carried their point by their firmness. And, more particularly, the evidence of Bowen is this: "That upon attempting to introduce the Bill into Scotland—the Scotch had no redress till they pulled down the mass-houses." There are two or three other allusions; to understand which, it is necessary to know what the fact was. It is not imputed to any particular person; but, *de facto*, that the Scotch pulled down the mass-houses; and no Bill passed in Parliament included them.

Mr. Attorney General. It never was brought into Parliament.

GENERAL SKEENE, sworn.

Examined by Mr. ATTORNEY GENERAL.

Q. Were you at Edinburgh, in the month of February, 1779?—A. Yes.

Q. Was there any disturbance, or insurrection, in the city then?—A. There was.

Q. What was the occasion of it, do you know; or for what purpose was it?—A. I cannot pretend to say for what purpose it was.

Q. Was there an insurrection of the people?—A. There was a mob.

Q. What did they do?—A. Why, they pulled down the house of a person, that was called Bishop Hay, a Roman Catholic; and they burnt what they called the chapel.

Q. Did they do more?—A. Not that I heard.

Q. Now, don't you know, What was the cry, or any thing of that kind; or how they were appeased?—A. I can say, they wanted to pull down Popery.

Q. How were they appeased? Do you know that, General Skeene?—A. I cannot pretend to say. I ordered troops from all quarters to march into the town; and which, I believe, was the cause of their being appeased.

Cross Examination by Mr. KENYON.

Q. You did not see this house burned down?—A. No. I did not see that house burned down, nor the chapel.

HUGH SCOTT, Esq. sworn.

Examined by Mr. LEE.

Q. You are member for Berkshire, I believe, Sir?—A. Yes. I am.

Q. Did you happen to be in Scotland, in the year 1779, or 1780?—A. Yes. I was.

Q. Was you at Edinburgh at the time there were any riots, or any disturbances there, upon any account?—A. I was.

Q. When was it?—A. It was in the beginning of the year 1779. I don't recollect the exact date.

Q. What did the people that were assembled there do?—A. I cannot say I saw them proceed to any violences.

Q. Had you any opportunity of seeing what they did?—A. No. I had not, what they did; but what they had done, I had.

Q. Do you know what was done; or, in fact, did you see what was done, with your own eyes?—A. I saw no acts of the mob with my own eyes.

Q. Did you see what they had done?
Court. That will not do.

ROBERT GRIERSON, sworn.

Examined by Mr. HOWARTH.

Q. I understand, Sir, you are a servant of the Duke of Buccleugh?—A. Yes, Sir.

Q. Was you at Edinburgh, in 1779, in the month of February?—A. I was.

Q. Was there at that time any riot, or tumult, in Edinburgh?—A. Yes, Sir.

Q. Now, give an account of what was done there; what you saw there; what did they do there, that you know?—A. I saw them burn a house.

Mr. Attorney General. Q. What house was it?—A. A chapel.

Q. What sort of a chapel; a Protestant, or a Catholic?—A. I believe it was a Roman Catholic chapel.

Q. What was the cry? Whereabouts was you?—A. I don't know. I was about two hundred yards off.

Q. Did they do any thing else, that you know of, besides burning that chapel? Did they burn any house?—A. No. Not as I know of.

Q. Did they do any thing else?—A. Not that I saw.

Q. Do you know Mr. Hay's house?—A. No, my Lord, I do not.

Cross Examination by Mr. KENYON.

Q. You say the house was on fire, when you first saw it?—A. Yes.

Q. Who set it on fire, you don't know?—A. I don't know.

Q. Nor do you know, but only was told it was a chapel?—A. No.

Mr. Attorney General. Q. Was a mob there at the time?—A. Yes.

WILLIAM MACKENZIE, sworn.

Examined by Mr. DUNNING.

Q. Was you in Scotland, in the year 1779?—A. Yes, Sir.

Q. Was you in Edinburgh?—A. Yes, Sir.

Q. Did you see any mischief done there to Catholic houses?—A. Yes, Sir.

Q. What was the kind of mischief, and by whom?—A. They set the Papist-chapel on fire.

Q. Did you see by what kind of people it was done?—A. Yes, Sir.

Q. What were they?—A. The Papist-chapel was set on fire.

Q. I ask you, if you saw it?—A. I did not see it set on fire.

Q. Do you know how it came on fire?—A. No.

Q. You saw it burning?—A. Yes.

Q. Did you hear any thing they said, or cried?—A. No. Nothing in particular.

Court. Q. Did you hear any cry?—A. No. I did not.

Mr. Attorney General. I have evidence to all the gaols about town, and the number of houses that were burnt; but it is so notorious, I shall not produce it, without your Lordship thinks it proper.

Court. Some of the witnesses have spoke to all the gaols already. Capt. Turner spoke of it.

Mr. Attorney Gen. Then we have done with our evidence.

Mr. KENYON.

May it please your Lordship, and you Gentlemen of the Jury, to favour me upon the Part of the noble Prisoner.

THE Council for the Prosecution have stopt in this stage of the business, and I am afraid the Court and Jury may be very much exhausted. It is therefore the misfortune of the Prisoner to begin his state of the case, when the attention of the Court and Jury have been upon the stretch a great while, and may not be able to find much spirits or attention. However, late as it is, I know they will pay that little attention due to what will come recently in question in the business.

In the hands of the Court and Jury, I am confident the cause of my client will be safe; and I have no doubt that, in the sequel, you will say he is, as I conceive he is, totally free from the offence with which he stands charged.

[Here the Jury desired leave of the Court to retire for a few minutes; and, when they were returned into Court, and called over, Mr. Kenyon proceeded to address them as follows:]

Mr. Kenyon. It is a disadvantage to my client, to be under the necessity of having his cause begun in this period of the day, when the attention of the Jury must be in some measure exhausted.

Gentlemen, there are other difficulties which he also labours under; for I, who am assigned one of his Counsel by the Court, on this occasion, confess myself very little versed in criminal courts. I never in my life stood as Counsel for any person who had so great a stake put in hazard; therefore, I am in a considerable agitation of mind, for the consequences that may happen through my defects.

Gentlemen, when persons are accused of acts of great enormity, one is, I submit, to look round, to see what were the probable motives to their conduct. Gentlemen, the Prisoner at the bar, who stands before you, belongs to one of the most considerable families in the country. At the time when this misconduct was imputed to him, he was a Member of the Legislature; he stood there in a situation in which he was not likely to better himself by throwing the country into convulsions. Gentlemen, a person that stood in the situation in which he stood, could not do better than, in seeing the affairs of the Publick conducted by legal Government: If he thought any of those laws, such as our civil and religious rights, invaded, it was for him, if he could, to bring about a repeal of them by legal means, not by introducing rebellion and anarchy. Where actions may be imputed to good or bad motives, it seems to me to be most reasonable, and what humanity requires, to impute them to good motives. The prisoner had every thing to expect, so long as the law prevailed, and peace and good order were preserved; but nothing to expect when anarchy and confusion were introduced.

Gentlemen, the crime imputed to him is: That being a liege subject, he had levied war against the King. Gentlemen, the crime is imputed to him, under an Act of Parliament which was meant for the wisest purposes. Crimes of this very enormous dye shoud not depend upon loose construction, but the law should be so plain, that men in their journey through life might, on looking on the Statute-book, see what the plan of their duty was, and see the rocks they were not to run upon; and that they might learn, from the plain words of the statute, how to act in such business of so much consequence, what they were to do, and what they were to expect.

Mr. Attorney-General told you very properly the crime he meant to impute to him was not a crime against the person of the King, but a constructive treason. Gentlemen, I have only to lament there is such a phrase in the law as *constructive treason*: at the time when that law was enacted, I verily believe the Legislature had not in their minds that constructive treasons could find their way into the exposition of that Statute; but, so it seems, that Judges have decided upon certain occasions.

Gentlemen, the offence, when it comes to be more particularly described, imputed to the Prisoner at the bar, is, he levied war, by collecting together a numerous assembly, to effect by violence an alteration of the law, and procure the redress of grievances. The Attorney General, in order to prepossess your minds, and that your inclinations might run before the evidence he gave, and that he might do that which ought never to be done on this occasion, namely, to raise the passions of those who are to decide the cause; has, in considerable terms of aggravation, (when compared to the evidence given) stated to you, that the whole city might be burnt, and that there

was great reason to believe this was done by the public enemies to this country, who were mixed in the business; that the Bank was to be attacked, and all public credit was to be put an end to; that every thing was thrown into confusion, and that we might be all delivered up, bound neck and heels, as an easy prey to hostile invasions from abroad. With great reverence to him, I fancy he did not mean to do what was improper; but surely it was most improper in a business of this kind. It is not the duty of an Advocate, in stating such a cause to a Jury, to enhance the crime beyond the evidence to be laid before them. If any thing of that kind was not proved, or if it was said only, give me leave to say it has not been well said by the Counsel who conducts the prosecution for the Crown. Gentlemen, the other part of his speech was confined in stating to you the evidence he intended to give. But in stating that evidence, I wish that he had not used some phrases which he did use. I wish, when he named the association, who were a multitude of people collected together, that he had not called them *an army*. I wish, when he had spoke of them in other parts of his speech, he had not compared them to armies, nor talked of the Prisoner's being carried away in triumph; under supposition of his being led away, in a military form.

Gentlemen, you have observed the manner in which the people called have given their evidence: you have attended to the effect of it.

The first person called was William Hay: that witness stated to you several things of Lord George Gordon; and, when he came afterwards to correct himself, in his cross-examination, it appeared he over-stated them. He is a witness who, for purposes not fully declared to you, appears to have been at more places than Lord George Gordon was at. He was at Duke's-street Chapel, and Langdale's, and at the fire in Lincoln's-inn-fields, and at great Queen-street. What motives led him there? He don't know this. I know he ascertained one fact, and a very important one in this cause, that at each, and every, and all of these places, they were persons that had nothing to do with Lord George Gordon: they were officious persons that crowded into the business, and increased and made a crowd in many of those places. He tells you also, those people that got together in St. George's-fields were *arrayed*, as he calls it, in their best cloaths. How the word *arrayed* got into his mouth I don't know, except, I presume, he told you so on purpose to impress your mind, that, if people came there arrayed in a military manner, if he could make out that, he knew it would very considerably enhance their guilt. He told you, that they marched in *columns*. You will observe another military word, *column*, is used: when he is cross-examined, he admitted Lord George Gordon used the word *division*, not a *column*. Why every word in this case ought to be weighed: he knew the difference of the force of the word, and that a small variation would give a different colour to the transaction; and he used such words as were calculated to give a colour not upon the side of mercy. He tells you, that at one of the meetings at the Crown-and-Rolls, (and he is the single person who speaks to that) Lord George Gordon said, "By the King's assenting to the Quebec bill, and some other bills, his Majesty, or his Counsellors had brought him to that pass in which King James the Second was after his abdication." It seems very extraordinary, that any man of sense could possibly use these words. How is he like King James the Second after his abdication? Had his Majesty abdicated the government? Was he not in possession of the throne and government of the country? How then, at that moment, was it possible to conceive the noble Prisoner at the bar could use that language? When witnesses come to state as facts, things which never existed, you know it may be impossible to contradict them, and to shew those words did not pass; but if one travels into the probability of the case, and you see that the whole of their evidence is improbable, and supported by no other witnesses, the great improbability upon the one side, opposed to the credit of a single suspicious witness upon the other, is sufficient to get rid of the evidence of that witness. Is it not possible, that other witnesses might be called, if that witness spoke truth, to confirm his testimony. He does not represent this to have passed in a corner where nobody was present, but where a great number of witnesses were present, and were accessible by the persons employed by the Crown. And the great list that was talked of by the Attorney General to the amount of 160 or 170 persons, shews those concerned in the affairs of the Crown were not negligent in their duty upon this occasion. They got all those together who had made enquiries, and could speak upon the occasion; therefore I have a right to conclude, that this witness speaking glibly to some parts, and hesitating and stammering in other parts; speaking singly to this very important language which was not likely to slip out

out of the memory of other witnesses. I say, I have a right to conclude, and do conclude, he stated that which was not true. Why did he take notes of this?—He says he did the same up on every occasion; yet, in ransacking the whole transactions of his life, he could refer to one instance only, and that twenty-two years ago, at the General Assembly of the Church of Scotland. Who was the person he first communicated this to? To a respectable and honourable man, I admit; but whose wishes upon the subject every body knows: because he is stated to be a Roman Catholic. Gentlemen, he tells you, he went home from St. George's Fields; that he went over Blackfriar's Bridge, and went to his house. In that house, at first he told me, he staid, till he went to the Lobby, in the evening. However, in the former part of his evidence, he had mentioned a fact, which passed in Fleet Street. It was necessary to reconcile the different parts of his evidence. He says, he saw the flag in Fleet Street. In order that he might be consistent, I did not chuse to wrangle, upon this occasion, with him. It will be in your memory. He said at first, he went over Blackfriar's Bridge, to dinner; that he was not out of his house, till he went to the Lobby. Afterwards he says, he was out of his house, for he went upon the leads of St. Dunstan's church: from those leads he saw a vast cavalcade of twenty or thirty thousand people. He was able to speak with certainty, to one man, with a flag, having only that bird's eye prospect of it. Yet he was able to say, that man was at the House of Commons with the flag; that he was the very man whom he had seen with the flag in Fleet Street. I must refer to your observation, upon the truth of the case. If you are to believe witnesses, because they will swear to facts, whether they are true, or not, then juries are of little use indeed! For it is clear, there is no fact whatever, that witnesses may not be brought up to prove. It is for Juries to discriminate, and judge between probability and improbability, to watch over the manner in which the witness gives his testimony, before they form their judgement, whether that which he says is true. They are not to acquiesce in that which he says, merely because he says it. Juries become of no use, if they are to lay aside their judgement, and bring only the sense of hearing with them. To hear is not the only business of a Jury; they are to exercise their judgement, and winnow the evidence, to get rid of the chaff. They are to exercise their sober judgment. Before you give your verdict, you are to recollect that you are deciding upon the life of a fellow citizen, and are not to mistake colour for probability; or probability for certainty.—What right can this man's evidence have, unless there be added to that testimony sufficient proofs, by other witnesses, which may carry conviction to the minds of the hearers? Upon this part of the evidence, I conceive, that can never be said to be the case.

Gentlemen, when he is brought down to the Lobby of the House of Commons, you recollect that he told you at first, there was great confusion there: yet in the middle of that confusion, this man is enabled to go through a long detail of what passed, circumstantially and minutely, and in the words in which it was given; and yet, when he has made the most of it, what is it his testimony proves? "That Lord George Gordon only exhorted them to adhere to so good a cause: that he himself would persevere in it: and he said, that though he had no great expectations from the House of Commons, yet they would meet with redress from a mild and gracious Sovereign, were they then not to have redress from the House of Commons?"—How is this consistent with the hypothesis on the other side, that the House of Commons were to be coerced to do it? when he tells them, if they could not get redress from the House of Commons, they were in future to address the king; which they had a right to do. Tho' their arguments might have no influence with the House of Commons, yet in the end of their journey, they may obtain what they want, from a mild and gracious Sovereign. Is this the language of men that wanted to compel the House of Commons by force and violence, upon a supposition that, by forcing one branch of the Legislature, they could achieve that which, you are told, was the intent of this collection of people? Gentlemen, he found afterwards, that it was necessary, if he could, to couple that party with those he had seen in St. George's Fields. When he is asked of the party about the House of Commons, and stopping up the avenues, how he knew they were the same persons, he said, "Those I saw had the same kind of appearance;" and one man, that he said he had seen, was the man that carried the flag in Fleet Street. I have before observed, and you will recollect the situation he was in, when he had the view of the man in Fleet Street; and you will, if you can believe he carried his ideas of this man, who was one of thirty thousand, in his mind ever since: so that he was able, when he came to the House of Commons, to say, where there was a

hundred or two, or a larger number, that was the man that he pitched upon in Fleet Street. He tells you, he went to the Sardinian Ambassador's chapel; and there, he would have you believe, the persons that were doing the mischief, were a part of the company who were collected in St. George's Fields. But were they so? Did he know any of them? Did he see the actors in that business? Yes. He saw them that were in the chapel; they were boys; not one of them having a cockade. You will bear this in mind; for it is, from this evidence, possible, and probable, they were men of another description from the Protestant Association that did the business. Gentlemen, I beg you will bear it in mind, that that may be the case. If it appears in the sequel, that that was the case, then the testimony of this witness, who was not much inclined to favour the Prisoner, may be pressed into the service of the Prisoner at the bar. He tells you of one person that did the mischief in the chapel, in particular: he does not tell you, that one man had any one badge belonging to the Association in St. George's Fields: he did not pretend to tell you, what the man was; he probably might be, and certainly was, a man of another description from those that Lord George Gordon was with in St. George's Fields. This witness states, "That there were others in the street, with cockades, who, *seemingly*, protected him. I don't know what *seemingly* protected is; but this I know, that a witness, well inclined to a prosecution, would construe light acts into seeming probabilities, and that which hardly amounted to any thing into positive, material facts. In a business, so solemn as this is, you can never endure such evidence; it is impossible for you to say, that such an account conveys any information to your mind: therefore, it seems that the whole of what this witness says, cannot be looked upon to be important in this case. He might have been supported, if the facts he spoke of were true. Other witnesses might have confirmed his testimony; for he spoke of other witnesses himself: he speaks of one Mr. MacMillan, that went with him to the Lobby of the House of Commons, and accompanied him through the whole business. Why is not Mr. MacMillan called? Is Mr. MacMillan here? He is down, he states to you, in the hall; he is in Court. Why do they abstain from calling him? Is it that intelligence may be withheld from you? Is it that the evidence given by a witness, speaking suspiciously, should not receive a farther explanation? Is it, that the case is to stand or fall by that suspicious testimony? Or, that they durst not call him, for fear it should appear, that they could not bolster up the case sufficiently. Were they apprehensive that the evidence of MacMillan would not only take from Hay all his credit; but, by disgracing him at the outset of the cause, have disgraced the prosecution also?

The second witness called to you is William Metcalf, an attorney. He states he was at Coachmakers-hall, and the great matter that was to effect Lord George Gordon was, that Lord George was called to the chair, and was president of that meeting. That he said the Scotch had succeeded by unanimity. It is very clear that he meant that the voice of the people was against the wishes of individuals. It is clear the wisdom of the Legislature yielded to the wishes of the people, not the force and violence of the people. He desired therefore the same kind of arguments. As to the wisdom or folly of those Acts, which gave rise to the Protestant Association, as it is called, I will say nothing. I am as great a friend to toleration as ever addressed a Jury; but I will say that good men, and wise men, may entertain different opinions on the subject. The witness states to you, that Lord George Gordon said the Scotch succeeded by unanimity. He desired, if he was to do any thing for them, they would be unanimous upon the subject. He said he hoped those that had signed the Petition would neither be afraid nor ashamed to shew themselves and appear at the House, and he would not present their Petition unless 20,000 men were assembled in St. George's fields. That he recommended to them to use some mark of distinction; that he would answer for any that should be molested; that he wished so well to the cause, that he was ready to go (this man said) to the gallows. Another very honourable witness, that was called afterwards, said, That Lord George Gordon said, he was ready to go to the gallows, or death, for it. If this matter was not capable of explanation, I think you will not lay much stress on it. Your sober judgment will not give it more weight than it deserves. But having stated what the words are, it is proper, if I can, that I should accompany the poison with the antidote. It will appear to you hereafter that, at this meeting at Coachmakers-hall, there was a contrariety of opinion, about the legality of petitioning. It had been doubted in point of law, whether the Act of Parliament of Charles the Second was in force or not; or, whether it was repealed. That Act enacts,

acts, that any number of people, to the number of twenty, signing a Petition, and going with it to present it to Parliament, were guilty of a misdemeanor. The gentlemen here have laid down the proposition, that that is a subsisting law; and, therefore, the parties who went up might be involved in the penalties of it. I state to you, and stake myself upon that subject, it is not a subsisting law. Any body that has read the Bill of Rights, and paid attention to it, will find, several articles of the Bill of Rights were levelled expressly at that law. If not, I don't know what it was levelled at. It says, "It is the birth-right of the subjects to petition the Legislature, if they do it in a peaceable manner." Whether there is 20 or 200, it makes no difference; and great must be the authority upon this subject against my opinion, if I should be mistaken. It mixes not with the question—It stands at a great distance, and remote indeed! If by that Act of Parliament a misdemeanor might be introduced, and the party might say, I am so clear upon the subject, I will run the risk of committing the misdemeanor. Is it from that to follow, that Lord George Gordon looked forward with the most distant allusion to that which is now imputed to him, a guilt of this enormous size, of High Treason, charged upon the subject. You must supply a vast deal upon the occasion:—Your imagination must outrun what the witnesses have said, to make out that kind of charge, which this evidence has nor fixed on the Prisoner. Gentlemen, I ask pardon for going through the whole of the witnesses; but I have much anxiety in the Cause; I chuse not to omit any thing that is material.

The next witness that was called, was Mr. Anstruther; he states to you that he saw Lord George Gordon at Coach-makers-Hall; he understood that he was acting as president; that he desired the parties to meet at St. George's Fields, assuring them, if there were not twenty thousand people there, he would not present the Petition: he says, very candidly, at this distance of time (his very expression) "that it is impossible to recollect the very words of Lord George Gordon:" he says, he recollects that Lord George said, that the Scotch, by their firmness, carried their point, and at the same time he recommended temperance; in other words, that they should act with temperance; that being stated by an attentive witness, a man of good sense in a considerable situation of life, and he gave his evidence with great coolness, and from his recollection I have no doubt that he states truly what did pass; but he states all that materially passed. Let me for a moment entreat you to make a pause, and consider how reconcileable this evidence is, with a witness that comes after. You will recollect when one witness, single and unsupported, says he cannot recollect the exact words, he may possibly be mistaken. This witness goes to what passed in the Lobby of the House of Commons, the Friday following; he speaks to the conversation Lord George held, when leaning over the rails, and talking to the people in the Lobby; and that when they asked him, whether they should go away, he told them, they were the judges; and said, "I will tell you how the matter stands: The house is going to divide whether your Petition shall be taken into consideration now, or upon Tuesday; for taking into consideration now there are not more than six or seven: if it is not taken into consideration now, your Petition may be lost; tomorrow the house does not sit; Monday is the King's birthday; and Tuesday, possibly the Parliament may be dissolved, or prorogued." This, he tells you, was all that passed when Lord George Gordon addressed them over the rails. Here I wish you to bear this evidence in mind, and see how far that which is recollected by this witness, and all I shall state to you to be recollected by any other witnesses, comports with what the other witness says; which I shall shortly state to you: that is, the Reverend Mr. Bowen. He states, that he was in the gallery; that he saw Lord George Gordon frequently go in and out of the house; that he heard him repeat to the people in the Lobby, what the different members had said in the debate. He tells you one of the parties asked him, whether it was necessary they should go or not: he then told them, in the language Mr. Anstruther has told you, that he left it to them to judge, whether they would go or not. But he went farther, and told you that his Lordship had stated to the people, that an attempt had been made to introduce the Bill into Scotland; that the Scotch, said his Lordship, had no redress till they pulled down the Mass-houses; that Lord Weymouth then sent sufficient assurances, that the Bill should not be extended to Scotland; and why should the Scotch be in a better condition than you? Now here again, upon words extremely important in this Cause, you are left to believe this is so, upon the testimony of a single witness. Mr. Anstruther was called to you, and was present when all this passed; Mr. Cator was called, who also heard what passed in the Lobby. Neither of those witnesses have stated to you any conversation of the kind; nor, out of

the great multitude of the names that was given in, men of all colours and descriptions, yet none of those confirmed it. Nothing could be said in the Lobby, but what the door-keepers of the house might hear. If such things passed between the noble Lord and the persons who were below, to whom the words were addressed, and at the time of silence, when Lord George Gordon was addressing them; you see here, upon a very important part of the Cause, you are left to decide upon the credit of a single witness; you are left to judge how those observations will apply to this case. It is enough to observe, the Counsel for the Crown have chose to leave the most important parts of the Case, not only not proved by the evidence of one witness, but not attempted to be supported by a second witness. It is not that a second witness might not be called, if the matter was true; but, because no industry whatever could induce other witnesses to come and swear to the same language. I don't wonder the parties are not extremely accurate about what passed that day, from the tumult and confusion; they were in much agitation undoubtedly. That gentleman must, undoubtedly, have been agitated: he conceived things, which, perhaps, never passed; and after they had once got in his mind, he has not been able to erase the idea. I say, this is, at least, possible; and if it appears that he was agitated, he was certainly not in a situation to give evidence upon which you ought to decide, upon the guilt or innocence of any man standing before you; especially the noble Prisoner at the bar, who has so much at stake.

Gentlemen, the next witness called, was Mr. Cator; he states to you, in the same manner Mr. Anstruther has done, what passed in the Lobby of the House. He tells you of the very conversation which accompanied that which Mr. Bowen spoke to of Lord George Gordon, talking to them about going or not going away; the very words, and concomitant with the language, of Mr. Bowen, used with respect to the mass-houses in Scotland; and yet not one word did he recollect of that aggravated kind of language.

The next person was Mr. Pierfon, and two other door-keepers were called; but not to one of them was the same question put, their evidence having been canvassed backwards and forwards, before it was put upon paper. It is not supposing the duty done by the Officers of the Crown, to suppose that questions are not put to every witness before he is brought to prove them; yet none of them proves the conversation, said by Mr. Bowen, to have been held by Lord George Gordon at the time.

Gentlemen, the testimony given by some of the other witnesses, has introduced into the Lobby persons, who they themselves state not to be intimately connected with Lord George Gordon. As that testimony has only introduced some, it is not improbable that many others of the like description were there. It is not only probable that was the case; for Mr. Rainsforth, whose evidence meets my eye, states the person who was there urgent for the Repeal, was a man of a very different description from any of those who accompanied Lord George Gordon a man, of the name of Colonel Miles, whom I know. He could not mean to state that Colonel Miles was one of the Protestant Association. Was he not a man of a different description, notoriously?—yet he was the man that called out to them, *Repeal! Repeal! Repeal!* What, does not this prove, not that men, under the controul of Lord George Gordon were there, but of a different description from all the people in the Lobby, who held that part which is imputed to Lord George Gordon as criminal, upon this occasion? And yet Lord George Gordon is now, by inference and intendment, by suspicion and by conjecture, to be made answerable for that guilt; which is, specifically, by the witnesses attributed to, and fastened upon, another man.

Gentlemen, much pains have been used, in order to shew that the members of the two bodies of the Legislature were interrupted in their journey down to attend the national business, by persons brought together for that ill purpose, by Lord George Gordon. But, in the first place, no interruption of the kind is proved by any body I know of, except one instance; which I shall take notice of by and by. You are told Mr. Ellis was interrupted. Was not Mr. Ellis here? It is known he was here. Why was he not called to prove it? Was it not said the Bishop of Lincoln was here? Not one of these persons are called: But one person told you, he had been told by another, that the Bishop of Lincoln was forced out of his chariot, and the wheels taken off. I don't impute any want of candour to the Attorney General. The Attorney General, as a leader, is equal to any man of the highest abilities: and when I state that, I state him very high indeed. But he does not wish the jury to believe it, because the witness believes it.

It is extraordinary this kind of evidence should be got together, and blended with the business so, that having once got it in the minds of the Jury, to run the hazard whether they might have it in their power, late in the evening, when all attention was laid asleep, to judge between what is material and immaterial. And here again a very important feature of this cause is to be laid before you. I see but one thing of the kind imputed to the Protestant Association, that was in the case of Lord Sandwich, which, I observed, was asked after with some eagerness. How is that proved? When he came there, Lord Sandwich was hurt in his chariot. By whom? Mr. Hyde could not tell; but parties were there with blue cockades, not with the same badges; they were not the same men with those in St. George's Fields; I have a right to say they totally were another sort of men. You are taught to believe the blue cockades, the mark by which you was to know the people of the Protestant Association; but these men had red and black flags; they were men of another description. It is probable as well as possible, they might; and it is certain they were of another description, because they had not the badges by which the others were discriminated.

This is the whole of the evidence laid before you, upon the behalf of the Crown; and if, upon this evidence alone, you were to retire to consider of your verdict, exercising justice with mercy; going upon a sober, solid, and sure ground; giving your verdict in a manner in which your mind would never upbraid you, in turning it in your thoughts, Whether you should go upon conjecture or certainty; I conceive you would think it much, too much to impute, upon evidence of this kind, the guilt that is charged upon the noble prisoner; who was in a situation in parliament that could create no suspicion upon him, like that of wishing to overturn the government; he having every thing to expect from a good government being preserved, and nothing to expect when it was thrown into anarchy, confusion, and rebellion. I say, Gentlemen, in exercising your judgment upon such evidence, you will not go too much upon conjecture and uncertainty; and you will think it a great deal too much to draw conclusions unfavourable to the noble prisoner, to send him to suffer the last penalty; which you must do, if you decide that the crime of high treason is to be fixed upon him. So much for that evidence which has been given upon the part of the crown.

Now, Gentlemen, I hope you will permit me shortly to state to you that kind of evidence with which this will be encountered. In the first place, Gentlemen, I cannot forbear relying much upon that which is not proved upon the other side. Does it appear in the sequel, after many prosecutions had commenced, that one single individual, connected with Lord George Gordon, or belonging to the Protestant Association, of which he was the President, has ever been found obnoxious to the laws of the country? Has criminality or guilt been fastened upon any one of them? Has one of them been indicted or convicted? Has any one been put to the hazard of his life? Has any crime been legally imputed to any of them, active and anxious as the officers of the crown have been? It became them well to do it. If they could have proved any thing against them, notwithstanding the aggravated language which has been stated here, I say it was their duty to investigate it to the bottom, to drag them forwards, to bear their heads in the face of justice, and to punish them, if guilt belonged to them. Yet, Gentlemen, all that anxiety, followed up as it was, aided by ability, has not been able to impute a single crime to any one of the denomination of those to whom Lord George Gordon addressed himself. Now, if that is true, permit me to state that hypothesis upon which I stand on this occasion.

Though there were enormities committed, of the greatest and most lamentable kind, that are a reproach to the country; that order and good government was violated to the last degree; that punishment did tread on the heels of offence; it requires more eloquence than mine, and imagination more brilliant and lively than mine, to paint those enormities in too high colours. But if we can suppose, for once, a multitude of people, and not a mob, were got together for a good, not an illegal purpose; or, at least, not traitorous purposes: If you can suppose that other people, of much worse principles, and having much worse designs to achieve, availing themselves of that, did get together from all corners of the town, and formed that banditti, who were represented to be at the Sardinian Ambassador's, burning the chapel, and at other places: If those bad people that got together, and those conflagrations and devastations followed from them, how is this to be imputed to Lord George Gordon? Mr. Attorney General tells you, if a man turns out wild beasts, he is guilty of murder, if the wild beasts kill any person. I deny that position, as that is not the law of the country. If a man turns a wild beast into a room, where the certain consequence

must be that death must ensue, there is no doubt the consequence then must be the same, as if you were to shoot into a crowd; but if the consequences would not be that death would ensue, then is a crime to be imputed to him? It never has been; there is not a decision upon the point. I have looked into the place where I suppose Mr. Attorney General has brought his doctrine from: it proves it not. But suppose it was so, for God's sake, does it bear upon this case? Was Lord George Gordon and the Association these wild beasts? If he had a tame beast in his hand muzzled, and another takes and lets out a wild beast not muzzled, will Mr. Attorney General say, that that person who had the tame beast is answerable for what the wild beast does? If somebody was to open a prison where there was a lion, a tyger, or a hyena, is Lord George Gordon to be answerable for any thing done by this banditti, any more than any other person who did not let loose such wild beasts? In the name of common sense, I call upon the Attorney and Solicitor General, if they will, to press the point. I know they will not state it to be law, because it is not the law of the land. Gentlemen, Lord George Gordon was President of the Protestant Association; an act of parliament had given offence to them; whether right or wrong, I don't know; perhaps my opinion may be, it gave causeless offence: But God forbid I should think, because I differ in opinion from them, that they are traitors. If they conceived any offence at it, they had a right to petition to remove the grievance. Our laws are not like the laws of the Medes and Persians; they are not laws that cannot be altered; they are subject to revision; to be decided and discussed upon soberly. It is not only the province of Englishmen, but their duty, to decide, if laws do press upon their legal liberty. If the principles of those laws are obnoxious to the constitution; or, if they think so, it is in their power to state the facts coolly to their representatives in parliament. They have a right to ask to have the grievance removed. If the wisdom of parliament think it proper to repeal it; and they have a right to expect it, consistent with the justice of their cause, to be repealed, what the law avows, no person will state to be upon unconstitutional principles. This Association met; they had existence long before Lord George Gordon was called upon to be their President; they thinking well of him, as being a man of blameless life and conversation, not mixing with the vices of this age, but a man of a serious and sober turn, of an irreproachable moral walk, and who led a religious life; they imagined such a man at their head would give life to their cause, and that if such a man carried the petition to the foot of the throne, it would be attended to. From that, or some such motive, he was placed at the head of the Protestant Association; he went there, he conversed with them, and stated to the House of Commons he had been with men of this description. He was told his petition would weigh nothing; that no names could be got but rank forgery; and, like other petitions coming in that way, it would be treated with neglect. He knew the uprightness of his own intentions, and was conscious of the falsity of that aspersions. It was a foul aspersions indeed. Purposely to wipe off this, and to take off all possibility of doubt, Lord George Gordon wished a number of people might attend and shew themselves at the House of Commons. How were they ordered to come? They were not to come in this military array, with banners flying. No. Though language was used here which conveys the idea of war, no war was meant. I know from that language, the word *arrayed* being so often thundered in your ears, and *columns* and *divisions*, and *marching under banners*. It is impossible the learned gentleman could mean them to give an account of the transactions that passed in those very words without some design. It appears afterwards they were not used without some purpose, and that cannot but be a bad purpose, because it distorts words beyond their ordinary course; and, therefore, you must suspect the whole of the evidence to be turned a little against what I was stating to you to be the truth of the case. How were these people brought together? Were they arrayed in military array? It has not been suggested. In one place it has been said by a Captain of the London Association, Mr. Bernard Turner, he met some people that had sticks, muskets, and cutlasses; but were these any of the parties that were in St. George's fields? Certainly not Gentlemen, you find instead of that, they were ordered to attend at ten o'clock in the morning. Why meet at so early an hour? Because no drunken people should mix with them. He desired no offence might be given, that they would not come with any sticks in their hands, that they would come in their best cloaths, and in order that they might be known from other persons, he desired they might have blue cockades; that they might be in certain divisions; that the persons in any one part might know their fellows; that if any of the people committed excess or outrage, they might be singled out and delivered

livered over to the civil power. You will find also, that there might not be confusion or riot, some of them were ordered to go round by London Bridge, and the petition came along with them soberly thro' the City. During the whole course of that long journey, if any had been riotously inclined, they would have been found out; they had no opportunity to riot. You don't find the least excess, or violation of good behaviour, imputed to them in the course of that journey. But if you should find another Mob not belonging to them was got together, and if you should find the avenues of the House of Commons were got possession of, and excesses were committed, which you will find in confirmation of the evidence of the Crown, was done by men of another description.—Where then is the great imputation upon Lord George Gordon? I don't tell you the matter is not fit for a most solemn and sober enquiry.—Most undoubtedly, it behoves government to have it enquired into; but it would be a libel on government to suppose guilt should be affixed on that man to whom it does not belong. Sufficient for every man are his own offences; if other men are guilty of infringements of the laws of their country, such are not to be put to the reckoning of Lord George Gordon, but excesses were committed in every part of the town by another set of people, and Lord George Gordon, by his subsequent acts, is said to have adopted them. I am sorry to say that the odium of proof is made out by no act of Lord George Gordon, but by the signing of what is called a protection. You will be struck with astonishment when you hear what happened. Lord George Gordon, filled with consternation at the riots that took place in town; finding the blame imputed to him, wishing to show all the alacrity that man could do to get rid of it, if he possibly could, desired that he might have access to his Sovereign. One of the Secretaries of State will be called to state to you that he made application to come to the foot of the Throne, professing his innocence, but had not access; tho' he had no reason to expect it would be denied him. He was told, if he could do any thing pleasing to the throne, he must go into the city and that way attest his loyalty. When he went into the city, did he go in the mob? he went with a constitutional preserver of the peace, in a coach with a magistrate in high office; not infringing the laws of the city, but going to do that which he was ordered to effect as a test to his loyalty.—A person came and told him, a note signed by him would have good effect to preserve his property. Gentlemen, suppose he had refused to answer it, I am sure it would have born hard against him, it would be hard a man that had a house inhabited by a Roman Catholic applied to Lord George Gordon, and de sired him to use his supposed influence to do him a good turn, and he refused it, whether it would do good or not, he hesitated not, he felt it was his duty to attempt it; and he felt as I do. If those arguments had been used against me, I should have found great difficulty in turning the edge of them; but now, I find, this good office is produced in order to bring on his shoulders all the enormities committed in the city; and, by signing this paper, he is supposed to have adopted the act of these men, and to acknowledge that he was connected with them. In cases of this kind, things are not to be strained beyond their proper meaning.—At several days distance, people in blue cockades committed violences; you know there was a banditti that robbed and plundered—there has been women executed for it, who were guilty of these outrages, and an infinite number of people of different descriptions and sexes; and yet it is by inference and intendment that you are to fix this guilt upon the prisoner.

Gentlemen, I have thus stated to you what seems to me necessary, to open the case of Lord George Gordon. From your own knowledge in the discharge of your duty as Jurors, you know in this case the facts are to be made out; guilt is not to be assumed; you are not to judge upon facts not made out in proof. Jurors must see whether there is a ground on which to go; carrying conviction in their own minds, that the imputed guilt is clearly proved. If it is not made out to your satisfaction, however your passions might have been warmed by what you saw in these calamitous days, you will divest your minds of that; then it will come to a question, of the last consequence to the noble Prisoner. You are to bring into Court with you no knowledge of the subject, or suspicions grounded upon that knowledge, to affect the evidence; but you are only to decide upon evidence produced before you, whether guilt belongs to him, or not. I apprehend, I do that which I have no necessity to do, when I am speaking to men of your good sense, situation, and character in the world. I know you will do justice to every favourable circumstance, from an intention to be upon the side of the Prisoner; for that is always the language of criminal courts. It ought to be, and will be, the inclination of this Court to-day.

Gentlemen, With these observations I shall leave my Client's Cause with you. I shall call a few witnesses to prove the facts I have stated; and upon the result of them, you will be of opinion, notwithstanding what has been imputed to him, he is not guilty of the High Treason of which he now stands charged.

Mr. E R S K I N E.

My Lord, it is not my purpose to address the Jury, till after the Evidence is closed. I inform your Lordship of it now, that no objection may be made to it, after the Evidence is closed. I take it, Lord George Gordon will be indulged the same as in every case of Trials for High Treason under the Statute.

LORD CHIEF JUSTICE.

I shall be very glad to hear you: Unless they have an objection to it, I have none.

Mr. ATTORNEY GENERAL.

If no objection is made by the Court, I am sure, none will be made by us.

EVIDENCE FOR THE PRISONER.

ERASMUS MIDDLETON, sworn.

Examined by Mr. ERSKINE.

Q What are you, Sir?—A. A Clergyman of the Church of England.

Q. You are a Member of the Protestant Association?—A. Yes, Sir.

Q. To what Church do you belong?—A. I am Lecturer of *St. Bennet's, Grace-church Street*, and of *St. Helen's, Bishopsgate-Street*.

Q. You are a Member of the Protestant Association?—A. Yes, Sir.

Q. How long have you been a Member of it?—A. From some time in *February, 1779*.

Q. Did you attend at the meetings held by that Association, previous to the Delivery of the Petition to Parliament?—A. Yes.

Q. Did you attend them regularly?—A. Regularly.

Q. Were you a Member of the Committee?—A. I was.

Q. Mr. Middleton, I wish you would state to the Court and Jury, beginning at that Time, all that you saw and heard at these Meetings, at the Protestant Association, previous to the Delivery of the Petition, when my Lord George Gordon was present, and before the Time Lord George was present at that Assembly.—State to the Court the Constitution of the Association, and its Object?—A. The Association was formed some time in *February, 1778*, in Consequence of the Bill, brought in by Sir *George Saville*, to repeal certain Penalties against the Papists, in the Month of *May*. That a few Persons met at *Coach-Maker's Hall*, in *Foster-Lane, Cheap-side*, in the same Month of *February*.

Q. *February 1778 or 1779?*—A. *1779*.

Q. What are you speaking from?—A. Some Notes respecting Dates and Times.

Q. When did you make them?—A. I really cannot tell.

Q. Lately?—A. Not lately, from Time to Time as they occurred.—That the Association met from Time to Time in order to oppose the Growth and Increase of Popery, by publishing little Books, and by making Enquiry into the Schools, and Increase of those Schools. And that the Association should be open to all Protestants and Protestant Ministers; that they should meet quarterly, in the Months of *July, October, January, and April*; that several public Meetings were held, and several Resolutions come to of that nature, for publishing books; that the Lord Bishop of *Litchfield and Coventry* was requested to permit two Sermons of his Lordship to be printed for that Purpose. His Lordship declined that, as looking upon them taken out of the Connection in which they stood, not to be as serviceable as some others. His Lordship recommended to us those of *Archbishop Secker, Tollerston* and others; and we then printed *Bishop Gibson's Pastoral Care*, one of his Letters from his Pastoral Care, and several other little things, and dispersed them abroad. We likewise wrote an Appeal to the Public, which was published upon the 5th of *November, 1779*; that upon the 12th of *November, 1779*, we wrote a Letter, soliciting

iciting Lord George Gordon to become our President; that his Lordship condescendingly acceded to our Petition, and returned us, in the Course of two or three Days, a very obliging and polite Letter, and accepted our Petition; and from that Time he became our honourable President in this Association. We had all along a Protestant Association, which was formed in 1696, when the King, with both Houses of Parliament, the Bishops and Clergy signed it, and his Majesty, King William, promised it should be lodged in the Records of the Tower.—His Lordship met us in the Committee of the Protestant Association.

Court. Q. Name the Date?—A. About three or four Days after his Lordship acceded to become our President. I am not certain as to the Date.

Court. Q. It cannot be material to go through the History of your Meetings and Committees, except it is relative to this Business?—A. It is no more than his Lordship's Conduct and Behaviour relative to these Meetings both publick and private.

Mr. Erskine. Q. Inform us of his Lordship's conduct—Every circumstance—State it fully?—A. That his Lordship demeaned himself every way in the most loyal and affectionate Manner. For my own Part, I must confess, I watched over his Lordship's Conduct with a Degree of jealousy, knowing that we were ourselves all well known to one another, the Committee were well attached to our present Sovereign and the Constitution; and that we were resolved neither to make nor allow any Speech or Conversation that should tend in the least to reflect upon any People whatever, in particular the Administration; that his Lordship appeared always the most calm and dispassionate of any one of us; that from all I could ever learn, as I observed, I looked at his Lordship at all Times with a kind of jealousy, I never could discover that his Lordship had any other design or end in view; but that simply which we had in view, the Protestant Interest, and by all legal and constitutional means to petition the House of Commons to repeal or explain that Act according to our Petition; that in all private Conversation with his Lordship, he always expressed the warmest Attachment of Affection and Loyalty to the King and the Constitution, and to the Protestant Interest; that we looked upon ourselves happy in having his Lordship as our President; not only upon Account of his high Birth, but on Account of his moral Character, and Abilities.

Q. Did you ever, Sir, at any of those numerous Meetings of the Protestant Association you attended from the Time Lord George became the President of the Association, from this Attention which you paid, pending that Day of May, observe his public Speeches in that Place? Did you ever hear him make use of any unconstitutional Expressions in May, or any disloyal Expressions?—A. Not in the least, the very reverse, in my Opinion.

Q. Did all his Speeches delivered as President meet with your Approbation, and did it appear to you his Views were the same as that of the whole associated Body?—A. Quite so.

Q. Did you ever hear my Lord George Gordon make use of any Expressions, as if he was to repeal this Bill by Force of Arms?—A. By no means, neither in any Speech directly or indirectly at any Time.

Q. Or to do it by Terror or Intimidation?—A. By no means, nor any Expression that related to it at all.

Q. Did you ever hear Lord George make use of any Expression that, by ambiguous Construction, could go to induce the Protestant Association to depart from their constitutional Views?—A. Not without a Construction directly contrary to the meaning of Words and Language.

Q. Then all you heard from Lord George Gordon previous to the 29th of May, was constitutional and conformable to the Meaning and Purpose of your Association?—A. Entirely.

Q. Were all those Meetings open?—A. Quite open.

Q. Did any Strangers come among you for other Purposes?—A. We had People that we supposed to be Papists come to us on Purpose to make Disturbances.

Q. Did they make Disturbances?—A. They did make disturbances at different Times.

Q. When those Persons that came to make Disturbances were not there, were your Meetings peaceable?—A. Quite so.

Q. Were any Expressions made use of hostile to Government then?—A. By no means; and upon some person speaking disrespectfully of the Bishops, he was called to Order, and silenced; and at the next Committee Meeting, if I mistake not, it was a Resolve made, that no one should speak any Thing disrespectful in the least of either one Side or the other, any further than their Names might be mentioned, as having given encouragement or discouragement to Popery.

Q. How were your Charges defrayed of that Association?—A. By voluntary Subscriptions.

Q. You wanted to bring a Bill into Parliament for a Repeal?—A. Yes.

Q. Now, you have gone through very distinctly every Thing previous to the 29th of May, you have told the Jury the whole of Lord George Gordon's Conduct exactly, that it was according to the Constitution, and legal, to the best of your Recollection, will you state what happened upon the 29th of May; was you present first of all at that Meeting?—A. Yes.

Q. Can you state to the Court Lord George's Conduct on that Day?—A. There was a Meeting at the *Crown and Rolls* before that.

Q. Please to state that?—A. We had a Committee Meeting a few Days before *Holy Thursday*.

Q. And when was your Committee Meeting?—A. I am not exactly certain of the Day; it was a few Days before *Holy Thursday*. What Day of the Month was *Holy Thursday*? If any Person has an Almanack here, he may see it.

Q. Was it before the 29th of May?—A. I think it was the latter End of *April*. At that Committee Meeting his Lordship condescended to take the Chair upon the 29th of May.

Court. Q. You were speaking something of the Committee before the 29th of May?—A. His Lordship condescended to take the Chair at that Time, because it was imperfectly advertised for the last.

Court. Q. He took the Chair the 29th, at what what Place?—A. At *Coachmaker's Hall*.

Mr. Erskine. Q. I want you to speak to the Meeting at the *Crown and Rolls* previous to the Meeting of the 29th of May?

—A. I am coming to it.—That his Lordship was to take the Chair that Night, because the last Meeting had been imperfectly advertised, to be held upon *Holy Thursday*, at *Coach-maker's Hall*, I mean at the *Crown and Rolls*. There was a Meeting to be held at the *Crown and Rolls*—it was advertised, but imperfectly; and previous to that Meeting at the *Crown and Rolls*, it was agreed on at the Committee, his Lordship condescending to take the Chair upon the 29th of May, at *Coach-maker's Hall*; and in that Meeting at the *Crown and Rolls*, it being but imperfectly advertised, there were few People; and there it was that a Motion was made, whether the Body at large should go up with the Petition.

Q. A Motion was made where?—A. At the *Crown and Rolls*.

Q. Was it Lord George Gordon made a Motion there?—A. His Lordship was not there then. But at that Meeting previous to being there, his Lordship purposed to be in the Chair. That was one Reason—and with the imperfect Advertisement at the *Crown and Rolls* to be the last, it was agreed to have another Meeting, which should be the last—the 29th of May, at *Coachmakers Hall*. That Motion was overruled at the *Crown and Rolls* which was made, whether the Body at large should not go up with the Petition. It was not determined.—It was not made a regular Motion of, but got over by the Gentleman in the Chair, and the Committee round the Chair.

Court. Q. They were against it?—A. That was spoke to, and the Gentleman who made the Motion was satisfied—and there was nothing more said of it at that Time.

Court. Q. Then it was opposed, and drawn?—A. It was not made a Question—there was Hands held up to it; but it was overruled, and there was nothing more of it.

Q. It was regularly negatived?—A. It was not a Motion put from the Chair—but got shut of, and overruled.

Q. Then if I understand you right, it never came before the Body to be determined upon?—A. No.

Court. Q. Then you was not there?—A. Yes.

Q. Then you know whether it was opposed, whether any man objected to it, or what was said to it?—A. I really don't recollect what was said to it.

Q. You know whether the Members did or not oppose it?—A. A Gentleman moved the whole Body should attend the Petition.

Q. You know whether any Body objected to that?—A. I know there was a good deal of Confusion—Some were for it, and some against it; and so it ended in that Way.

Q. The Meeting then was adjourned?—A. It was adjourned with more Confusion, upon the Question, whether there should be another Meeting or not.

Q. Now, what followed that Indication, whether it was the Sense of the associated Body? How did it end? What followed it afterwards?—A. A Committee Meeting followed immediately upon it; and his Lordship hearing of the Disputes and Confusion that were between the Gentlemen of the Committee and some of the Association; that some of the Association had held up their Hands contrary to what they meant respecting another Meeting.—In the Noise and Confusion, they had misunderstood the Motion from the Chair.

Q. There was a Misunderstanding whether it was the Sense of the associated Body at large, there should be another Meeting or no?—A. Yes.

Q. How

Q. How was that cleared up?—A. His Lordship met us in the next Committee.

Court. Q. Where was the next Committee held?—A. In Beaufort Buildings.—His Lordship spoke to every One of the Committee severally, to know every one's Opinion; whether there should be another public Meeting or not; and then having spoke to each severally, he desired us to hold up our Hands, and we did; when only the Secretary held up his Hand against it: and the Gentleman in the Chair did not hold up his Hand either one Way or the other.

Q. So, if I take you right, upon their being some Altercation, whether it was the Opinion of the associated Body at large, there should be another Meeting or not—nothing was concluded—Lord George Gordon attended, and put it to the Committee severally, whether it was their sense there should be another public Meeting—and they held up Hands?—A. Every one held up his Hand for it, but the Secretary, and the Gentleman in the Chair.—When the contrary Question was put, only the Secretary.

Q. How many People might there be at that Meeting?—A. Perhaps, Eleven, or Twelve, or Thirteen.

Q. And only the Secretary against your other Meeting?—A. Only him.—In the meantime, his Lordship received a Petition from some of the most respectable of the Association, requesting another Meeting, in consequence of their having misunderstood the Motion from the Chair at the last public Meeting.

Q. They were against having their Petition attended by the Whole, praying there should be another Meeting?—A. Yes.

Q. What was done upon that?—A. It was then agreed there should be another public Meeting.

Q. Was there any Advertisement that there should be another Meeting?—A. There was.

Q. Was it printed?—A. It was printed in the several Papers.

Q. Do you remember whether that was it? [*a Paper shown him.*]

—A. It was to that Purport.
[*The Advertisement for the Meeting of the Protestant Association at Coachmaker's Hall, on the 29th of May, was then read, when Lord George Gordon was to take the Chair.*]

Mr. Middleton. This was in consequence of all at that Meeting, but the Secretary, being for it; and in Consequence of the Question respecting the Petition to be attended by the Body at large.

Q. State what passed at that public Meeting—state what happened at that public Meeting when Lord George took the Chair?—A. His Lordship came into the Side Room, much about the Time when it was usual to take the Chair.—His Lordship took out Papers relative to the Business of the Meeting, and read over to us the Heads of what he proposed to lay before the Association; and after a few Minutes, his Lordship took the Chair.

Q. What I want to ask you is, What passed respecting what Mr. Fisher said about postponing the Petition to another Year—what Mr. Fisher said, and what was the Object of Deliberation?—A. That was at the Crown and Rolls.

Q. My Question to you is, after the Advertisement had been published, and there was a Meeting at Coachmaker's Hall, in pursuance of that Advertisement, I want you to tell what happened then?—A. I was asked a Question previous to that. I want to know whether I should answer that First?

Court. Q. Go on with your Account now, they will ask you what you may have omitted?—A. His Lordship took the Chair after a very few Minutes; the People were very desirous of seeing him in the Chair, and informing him it was Time; and then he opened the Business.

Mr. Erskine. Q. I wish you would tell the Court and the Jury, First, what passed at the Crown and Rolls, with Respect to postponing the Petition to another Year?

Court. Q. When was that Meeting?—A. I am not certain as to the Day: it was sometime in the latter End of May.

Court to the Prisoner. Would you have his Answer now?—Lord George Gordon. If you please, my Lord.

Mr. Middleton. First, the Committee were almost unanimous in postponing the Petition to another Session.

Mr. Erskine. Q. What Endeavours were made in the Committee, to induce them to postpone presenting the Petition to another Year? What was the Cause of that?—A. I am not so clear of that, being of the contrary Opinion. I was the only one that was of a different Sentiment.

Court. Q. You was the only one for or against postponing it?—A. I was against postponing it. After Two or Three Committee Meetings, they were convinced by his Lordship's Arguments, of the expediency of presenting it in the present Session. That they unanimously agreed; but that in the Course of their Opposition, they went so far as to send for the Petition

from his Lordship's House; and it was lodged in the Hands of one of the Gentlemen of the Committee.

Q. You was the only one against postponing it?—A. I was against postponing it.

Q. You was the only one at this Committee that was against postponing?—A. Yes, at that Time.

Q. Inform the Court and the Jury, how it was the Committee came unanimously to change their Sentiments upon that Subject;—state that?—A. His Lordship had observed that it was proper, by his Arguments.

Court. Q. Let me see whether I take you right? Was it by the Prisoner's Arguments you were prevailed upon to bring it on, or postpone it? You say, by his Arguments you were persuaded? Which Side of the Question was it?—A. I was first of Opinion it should be in the present Session.

Q. What convinced the others?—A. The Arguments his Lordship used; and that I had used at the Committee Meetings, when his Lordship was not present.

Q. I wish you would be so good as to answer the Question I put to you?—It will be very short.—My Question will be this.—That Lord George Gordon having, agreeable to the Wishes of all the Committee, except the Secretary, advertised the Second Meeting, in Consequence of a Petition delivered to him by many respectable Members of the Body at large, did advertise that Meeting of the 29th of May?—My Question is, what passed?—What did you hear Lord George say and do?—How did he conduct himself in that Meeting, upon the 29th of May?—How did he act?—What did he say and do?—A. His Lordship read over several Papers—after addressing the People in a short Speech, expressing his Happiness at seeing them.

Court. Q. What Papers?—A. I don't recollect particularly what they were; but respecting the Business of the Association. Letters, and those Things. That his Lordship then resumed what he had heard was made a Motion of at a former Meeting, at which he was not present, alluding to the last Meeting at the Crown and Rolls, and to the Motion that was there made, whether the Body at large should go up with the Petition.

Q. Do you recollect particularly what Lord George Gordon said?—A. That he had been informed that the Association were against going up with their Petition, and that he begged to know from themselves;—wished to know if it were so. Upon that immediately, from all Parts of the Hall, it was cried out, "Oh, no, my Lord! No, my Lord!"—That he then put, or made, the Motion, and it appeared in the Association to be unanimous. That his Lordship then read over certain Resolves, and proposed the Time and Place to adjourn that Meeting from.

Court. Q. To adjourn that Meeting to or from?—A. To adjourn to; that they should adjourn to St. George's Fields, as no Place would contain the Number that would assemble; and proposed that they should be arranged in different Divisions, that his Lordship might go from one to the other, to learn the Sense and Determination of the whole, respecting the Mode of taking up the Petition; informing us, that it had been hinted that it was a very easy Matter for a Person to sit down and write four or five Hundred Names to a Petition; and, therefore, it would be necessary that they should appear to their Subscriptions, and convince the World that they were not fictitious.—That his Lordship begged they would dress themselves, and appear decently, and very orderly; and that to distinguish them from other People, so that no Riots might ensue, he proposed they should have a Cockade in their Hat; and that he thought upon such an Occasion, at least 20,000 might attend; and that they should meet at Ten o'Clock in the Morning. Some one objected, that by Meeting so early, they might get to drinking. In Answer to which, his Lordship observed, that the Protestant Association were not a drunken People, and that he apprehended no Danger upon that Account.

Q. Did Lord George Gordon give any Reasons why he permitted so many Persons to attend as 20,000?—A. Some one observed, that they thought such a great Number of People to attend might cause the Military to be drawn out.

Q. What did Lord George say to that?—A. His Lordship answered, that he did not apprehend the Military would be drawn out.—That they would be all peaceable and orderly; he did not doubt that there would be Occasion—the Military would not be drawn out.—They would behave peaceably and decently; which he very much enforced, desiring them not so much as to take Sticks in their Hands.—That he was so very far from apprehending any Danger, that he begged he might be the first that should be in Danger.—And begged, if there was any riotous Person, that the rest should give him up; and that if he should even strike any of them, not to return it, but to take him out, and give him up to the Constables.

Q. And if any one of that Number were riotous, the rest should deliver him up?—A. That they should deliver him up, not to resent any of his Behaviour, altho' he should strike them; but to deliver him up, and give him up to the Constables that he might be taken away; for, that if his Lordship himself was at all riotous, he would wish to be given up himself, and that he thought it was a proper Measure for Protestants; and to the best of my Recollection, he used that Expression, "That if they smite thee upon the one Cheek, turn the other also."

Q. Were you present during the whole Time of these public Meetings?—A. I was.

Q. And you have given the Court and Jury, to the best of your Recollection, the whole Tenor of his Conduct and Words?—What I wish to ask now is, whether you remember Lord George Gordon, during the Course of that Night, made Use of any inflammatory Expressions, tending to excite Persons to any one Act of Disturbance?—Were all his Expressions to them alike, tending to Peace and good Order?—A. Quite so; and much more so than I have expressed.

Q. His Lordship, I suppose, sometimes exhorting them to Decency?—A. He was so exhorting them.

Q. That Night?—A. That Night.

Q. His general Conduct was constitutional, and loyal, and affectionate to his Sovereign?—A. So far as I am able to judge of the Constitution, Loyalty and Affection, he was.

Q. He repeatedly exhorted them to Decency?—A. He repeatedly exhorted them to the utmost Decency, Peace, and good Order; and said every Thing he could recollect that should have a Tendency to Peace and good Order.

Q. You recollect he desired none of them to come with Sticks at all?—A. Yes.

Cross Examination by Mr. ATTORNEY GENERAL.

Q. At this Meeting it was determined to adjourn to *St. George's Fields* to take the Sense of the whole of the mode of presenting the Petition?—A. Yes.

Q. Pray How many might there be at your Meeting that were exhorted to behave decently? might there be two Hundred?—A. There were many more.

Q. Three Hundred?—A. Many more.

Q. Four or five Hundred then?—A. I don't now how many the Room might hold; perhaps it might hold upwards of a Thousand, or more; there are side Rooms and Gallery; but generally we were told by those that were without, there were many or more without than within, and there is a large Passage.

Q. Then those without could not hear these Exhortations; pray did it occur to you how he was to consult with 40,000 men upon the Subject, the mode of presenting the Petition; did you expect 40,000?—A. If I tell you what I thought, I did not expect there would have been 5,000.

Q. I have heard the Reason of quitting the Hall was, it would not hold 40,000 Men?—A. No, Sir.

Q. And the Fields would hold as many as Lord George expected?—A. Yes, Sir.

Q. How were they to be consulted? Was it explained?—A. I have explained it already.

Q. Was it by holding up of Hands, or what Way?—A. They were divided into separate Divisions for that Purpose.

Q. When consulted, was it by holding up Hands, or what Way?—A. I was not in the Fields.

Q. Then you don't know in what way the Petition was determined to be presented?—A. No, Sir, other Gentlemen that were in the Fields will speak to that.

Q. Was it positively determined to present the Petition that Day to Parliament, or was it to be consulted then whether it should be presented during the sitting or not?—A. I do not know.

Q. You don't know then whether it was to be presented that Day to the House of Commons or not?—A. I was not in the Fields.

Q. But at *Coachmaker's Hall*, whether it was understood there, or decided, it should be presented to the House that Day, or only to meet to consult how it was to be presented?—A. I understood it was to be presented that Day, but the Mode of taking it up was to be determined in the Fields.

Q. How do you mean?—A. Whether his Lordship was to take it up by himself, in a Coach, or the Committee, or any certain Number; whether the Body was to go at large; all these ways had been spoke to before at different Meetings; and it was agreed, that it should there and then be determined.

Q. Why were you not there?—A. I had parochial Duty to attend.

Q. Was that the Reason upon your Oath?—It was.

Q. Not that you disapproved of the Meeting in *St. George's Fields*?—A. I cannot say that.

Q. You cannot say that?—A. No, I was one with the rest of the Committee that thought it inexpedient.

Court. Q. Did all the Committee agree with you?—A. I cannot say whether all of them.

Q. You say the rest of the Committee?—A. Several of them.

Q. Most of them?—A. Most of them.

Mr. Att. Gen. Q. I believe unanimously?—A. I cannot say who were there and who were not. I know some that were there, who were of the same opinion with me.

Q. Were you in the Committee upon the 31st of May, two Days before the Meeting in *St. George's Fields*, where a Resolution to this Effect was published: That they intended to meet to consider of the Mode of presenting the Petition to Parliament?

Mr. Kenyon. My Lord, I object to their asking that Question about the Resolution.

Mr. Att. Gen. They have been asking the Resolutions of the Committee from time to time. I ask whether it was not agreed by the Committee, that the Mode of presenting the Petition, accompanied by the general Body of the People, was contrary to the Sense of the Committee?

Court. You cannot read it as the Sense of the Committee.

Mr. Kenyon. If it was reduced to writing, I object to it.

Mr. Att. Gen. Q. Whether some of the Committee did not approve of the Mode of presenting by the general Body?

Mr. Kenyon. That which he wants an Answer to respects a written Paper.

Court. It cannot be otherwise; he must ask whether they were unanimous; he said there were of Opinion with him several of them.

Mr. Att. Gen. Q. You disapproved of its being accompanied by the general Body?—A. What I did is given in writing, that will shew my dissent.

Q. I ask you upon your Oath, whether you did disapprove of it or no?

Mr. Kenyon. I object to asking that Question, if Mr. Attorney General chuses to persevere in asking Questions reduced to writing.

Court. Q. Was my Lord's Motion of the 29th of May in writing? Was that put down in fact, that you should adjourn into *St. George's Fields*; I mean, the Motion made by Lord George Gordon, was that put in writing.

Mr. Kenyon. I ask Pardon of the Court, that was the Thing I objected to.

Court. Q. I will ask that Question; they have been asking as to something in writing, was that Motion put in writing?

Mr. Kenyon. If the Attorney General was to ask that Question, I would object to it, as the Time is past, and the Answer given.

Court. Not at all, the Court has a Right to ask any Question. I ask whether Lord George Gordon's Motion was put into writing?

Mr. Middleton. A. I really cannot say.

Mr. Att. Gen. Q. The Adjournment of the Committee to *St. George's Fields*, was that put in writing?—A. It was not; but the Adjournment of the Association.

Q. The Adjournments of the Association are in writing?—A. Several of them are.

Court. Most undoubtedly you can ask for nothing in writing without producing the Writing, and accounting for it. And if they have neglected it, they cannot go back again, but your Examination now is warranted from the Tenor of his Evidence; as they were unanimously of opinion, and desired the Prisoner should have the whole Body to attend; and tho' all cried out No, to the Proposition, you may ask whether they were unanimous, or were of a different Opinion; that is all. You must wait as to your Objection, Mr. Kenyon.

Mr. Att. Gen. Q. I ask if you did not disapprove, in your Opinion, of going up with this Address, or with this Petition, accompanied with this general Body?—A. Yes.

Q. Then it was determined before the 2d of June, to go up in a general Body with this Petition?—A. I did not know, before the 2d of June, that it was to be. It was spoke of in the side Room a few Minutes before his Lordship came to take the Chair. That his Lordship intended to resume the Subject that had been spoke to in the *Old Crown and Rolls Tavern*, at the last public Meeting previous to it. That his Lordship intended to resume that Subject, to know of the Association at large, Whether they thought it proper and expedient to go up with it themselves in the Body at large? And then it was that I and some others thought it would be inexpedient.

Q. Now I ask you, If that was not the Reason with you for not attending with what you disapproved of?—A. No, Sir, I had parochial Duty.

Q. Did

Q. Did any other of the Committee attend do you know?—
A. I was not in the Fields, I cannot tell.

Q. They might be with you?—A. They could not be with me and in the Fields at the same Time.

Q. I ask whether you know they were, or not, in the Fields?—
A. I don't know of any that were in the Fields.

Court. What was the parochial Duty you had to do?—A. Reading Prayers, it was upon a Friday, my Lord.

Q. What Hour is the Prayers?—At Eleven o'Clock in the Forenoon.

Q. You would have been time enough?—A. I have generally to baptize, and frequently Parishioners to bury, after Service.

Q. Then you would have had Time enough to have gone?—
A. Not to go to the Fields.

Q. But to Westminster, you might have got a Person to officiate for you?—A. I make a Conscience of doing my Duty myself.

Q. Did not you know the Petition could not be gone through, that was presented on the 2d of June, in the ordinary Course of Proceedings, so as to produce any Effect during that Session?—

A. I know if it had been so hastily gone through as the Bill presented by Sir George Saville, it might have been easily done in that Session.

Q. How long was that going through?—A. I can only speak upon Report.

Q. Have you looked to see the Time it took?—A. Upon Information, I have been told it received the Royal Assent in a short Time after it was presented, as our Bill would have been, if it had been received on the 29th May, that Session.

Q. You did not know it was supposed the Session would break up the Day after the King's Birth Day?—A. It was impossible to suppose so, I did not suppose so.

Q. Nor did Lord George inform you?—A. No.

Q. Who was it objected to the Number associating in St. George's Fields with Cockades, for that might endanger calling out the Military?—A. I don't know.

Mr. Kenyon. Q. Do you know who endeavoured to persuade Lord George Gordon to postpone the presenting the Petition, till the next Sessions?—A. I can't tell. I understood from his Lordship some of them had proposed—

Mr. Kenyon. I see a noble Lord attending here; though his Evidence does not come in, in the present Line of Evidence, I now chuse to call his Lordship.

The Right Honourable LORD STORMONT, sworn.

Examined by Mr. KENYON.

Q. Will your Lordship give me leave to ask you, during the Time of the Riots, what happened in the Month of June last? Whether Lord George Gordon came to Buckingham House?—A. Yes.

Q. Does your Lordship happen to recollect the Day he came there?—A. It was upon Wednesday the Seventh of June, between 10 and 11 o'Clock in the Morning, to the best of my Recollection as to the Hour of the Day.

Q. Pray what was the Business that brought him there?—A. As I suppose it will be shorter for the Information of the Court, I will state exactly the whole to the best of my Recollection.

I was attending his Majesty at the Queen's House, with several of his other confidential Servants, upon Wednesday the 7th of June, in the Morning, at the Hour I mentioned. A Page came and scratched at the Door; I went out to him, by Order; and he said that the Prisoner at the Bar was at the Gate of the Queen's House, desiring, I think, to see his Majesty. I went out with another noble Lord, and gave Directions that Lord George Gordon should be brought into a Room in the Colonnade.—I suppose a Description of the Room is immaterial. I then went to him to ask him what his Lordship desired or wanted; his Answer to me was, that he desired to see the King, because it would be of essential or material Service, or do great Service in suppressing the Riots. In consequence of which, I went with this Message, delivering it exactly to the King, who was then attended, as I have already observed, by some of his confidential Servants; and the Answer I delivered to his Lordship was this. "It is impossible for the King to see Lord George Gordon, until he has given sufficient Proofs of his Allegiance and Loyalty, by employing those Means, which, he says, he has in his Power, to quell the disturbances, and restore Peace to this Capital." That was all I had to say, and all I did say to his Lordship. His Lordship upon that said, "If he might be allowed, or presumed to reply, he would say, that his best Endeavours should be used or employed for that Purpose." That is, to the best of my Remembrance, the whole that passed.

Mr. Kenyon. Q. I wish to know, whether your Lordship is accurate as to the very Words, or only the Substance?

Lord Stormont. I am most particularly accurate to every Word I used, and very accurate as to the exact and strict Sense of the Words used by Lord George Gordon. I cannot speak with the same Accuracy to Words used by another, as to those used by myself. The Answer I gave was to be considered as final, to the Demand made by Lord George. But then he said, If he might presume to reply. The reply he made was, "His best Endeavours should be used."

THOMAS EVANS, sworn.

Examined by Mr. KENYON.

Q. I believe you was at St. George's Fields upon the 2d of June?—A. I was.

Q. There was a very large Assembly of People there?—A. Yes, Sir.

Q. Have you been a Member of the Protestant Association?—A. I don't know what you mean by a Member.

Q. You was a Petitioner?—A. I was.

Q. There were a great Number of People of the same Description, who were Petitioners?—A. Yes.

Q. Now Sir, when they came there, did they come with weapons, or sticks, or how?—A. I did not go along with them, nor did I see any thing of the kind.

Q. When you was there, did you give information to Lord George Gordon, relative to any Apprehensions?—A. I did.

Q. What did you tell him?—A. Upon the 2d June 1780, between Ten and Eleven o'Clock, I was coming in a Coach thro' Bridge Street, Westminster, with three Friends with me. I was going to St. George's Fields. The Coach was stopped by a Mr. Smith, who keeps the Guildhall, Westminster, who I know very well; Mr. Smith asked me if we were going into the Fields? I told him we were. He said he had something of great Consequence to communicate to Lord George Gordon, for the Protestant Association. Being asked what it was, he told me he had been credibly informed, there was a Number of Journeymen Weavers from Spittle Fields, and Taylors.—Having received this information from Smith; I told him I did not know Lord George Gordon, but would endeavour to see him, when I came into the Fields.—Accordingly when I entered the Field, I saw a Division formed, which, upon Enquiry, I found was the Scotch Division, and in the Center was Lord George Gordon. I, with another of my Friends, got immediately out of the Coach, and got to the Ring with great Difficulty; and, after making an Apology to his Lordship for addressing him, I informed him I had been told by Mr. Smith at Guildhall, there would be a Riot in Westminster, provided more than Thirty or Forty attempted to come to Westminster with the Petition; and asked his Lordship, if he meant the whole Body was to attend? He made a Reply, "By no means, by no means." I asked his Lordship what was his Plan. He told me he intended to go to the House alone; and sometime after he had been there, the Petition to follow him to the Lobby of the House of Commons, and there to wait till he came out to receive it. I told his Lordship I was extremely glad of it; for, by that Means, the Multitude would be prevented from hurting the Cause; and I desired to know, whether he would give me leave to tell the People so. He said, With all his Heart. I immediately went to that Side of the Ring that was next to me, and told the People that they were not to go to the House at all; that they were to remain in the Fields; that Lord George intended to go alone. I remember my Lord called a Person to him, that seemed to be in a Scotch Dress, I suppose to give that Information to them. I went to the Coach, and told my Friend what Success I met: from the Coach I saw the People were in Confusion in the Spot I left, I then drove my Coach up as far as the Obelisk, being informed by a Gentleman they were forming Divisions at the other End of the Fields. When I came there, I saw the People, to my great Surprise, instead of forming Divisions, they were in a marching Line, formed Six in a Row, with their Faces towards the Borough. I got out of my Coach and went up to them, and asked them, What they were going to do; they said they were going to march through the City. I told them they must not stir out of the Fields, for I had just left Lord George Gordon, who had just told me he intended to go alone, and informed them what Mr. Smith had told me; that I was sure there would be a Riot if more than 30 or 40 went to the House. They made Answer, "I need not be afraid of that, for they were determined to make none."

Q. Who was it said so to you?—A. The People themselves. As soon as they had done that, a Gentleman said, as you are so zealous in the Cause, you had better go over Blackfriars Bridge to meet the Association, and make them turn back. I was so fatigued I did not go, I went away.

Q. Did

Q. Did not you see them at *Charing Cross*?—A. No, Sir, I was at home by one o'Clock.

Cross Examination by Mr. ATTORNEY GENERAL.

Q. You have told us, Mr. Evans, that Lord George Gordon said he would go to the House alone, and the Petition was to be brought to him afterwards?—A. Yes.

Q. By whom?—A. I don't know.

Q. You did not understand where those People were going when you saw them facing the *Borough*?—A. I supposed they were going over the Bridge. I saw the Petition in one of their Rings, I believe in the Ring of the *Scotch* Division.

Q. But you do not know whether the *London* Division carried it to the House?—A. I know nothing at all of that.

Q. Lord George Gordon did not know you?—A. He did not.

Q. He readily came into your Measures?—A. I had never seen Lord George Gordon before.

JOHN SPINAGE, sworn.

Examined by Mr. KENYON.

Q. What are you?—A. I am no profession at all.

Q. Was you down at *Palace-Yard* on Friday the 2d of June?—

A. On Friday the 2d of June, I went in a Coach, with a Friend or two, and at the End of *Bridge-Street*, *Westminster*—

Q. At what Hour?—A. At Eleven o'Clock. Mr. Smith, keeper of *Guildhall*, *Westminster*, when we turned into *Bridge-Street*, came up to the Coach; and seeing a Friend or two more there, asked if we were going to *St. George's Fields*. I answered we were. He asked if we knew Lord George Gordon, if we did we would speak to him. I went to his Lordship and said, "My Lord, I hope your Lordship don't mean to take any Part of these People over the Bridge." His Lordship made answer, "By no means in the World, I mean to go by myself alone."

Q. He intended to go alone?—A. I don't recollect any farther Conversation with his Lordship.

Q. This was the Time Mr. Evans was with you?—A. Yes, Sir, Mr. Evans was with me.

Q. In what Condition was the People in *St. George's Fields*?—A. I saw them in a very quiet Condition.

Q. In a very quiet peaceable State when you saw them?—A. They were so.

Q. Were there any People in *Parliament-Street* when you came away?—A. I really don't know that.

Q. You saw them in *St. George's Fields* in a quiet State?—A. Very quiet.

Q. Had they any Weapons?—A. None that I saw.

Q. But very peaceable and quiet?—A. They were very orderly.

Q. Were they well dressed or decent in Apparel?—A. Almost all that I saw in general.

Q. They did not seem to be Rabble?—A. Not at all.

Q. Far from being Rabble?—A. Quite so, I am sure of it.

Q. They were decent apparelled Men, and did not seem to be mean People?—A. Quite the contrary.

Q. Of Course you must have been a Witness to the Riots and Tumults in the Streets, were there any of that Description of People?—A. As to that, I live out of Town.

Cross Examination by Mr. ATTORNEY GENERAL.

Q. They were in their best Cloaths?—A. I make no doubt, they were all very decent.

Q. Did you see the whole Body?—A. I saw none but were so.

Q. Were they *Scotch* People?—A. They might for all I know.

WILLIAM SMITH, sworn.

Examined by Mr. KENYON.

Q. Do you remember the 2d Day of June last?—A. Yes; Friday, the 2d Day of June.

Q. Now, Sir, about what Time was it the Protestant Association came into the Neighbourhood of *Guildhall*?—A. Pretty high One o'Clock, I believe it was; I cannot justly say that I took particular Notice.

Q. Before they came there, at any earlier Hour of the Day, or what Hour of the Day did you see any other Collection of People?—A. No, Sir; but one *Walter Russell*, whom I saw; he is keeper of the *Salutation Tavern* in *Newgate Street*, he was one that was put upon the Sheriff's Jury by one of the Sheriffs, and he came down about a Quarter past Ten, or thereabout; and he came into the Hall; and said, I am afraid there will be a very great Disturbance.

Q. Did you with your own Eyes see any of those Circumstances which he observed to you?—A. No, Sir; I know nothing of it.

Mrs. WHITTINGHAM, sworn.

Examined by Mr. KENYON.

Q. I believe you was in *St. George's Fields* upon the 2d of June?—A. I was, Sir.

Q. You was there in a Coach, I believe?—A. I was, Sir.

Q. Do you recollect Lord George Gordon coming to the Coach?—A. Very well, Sir; my Lord came to the Coach and asked Leave to come in, which we immediately gave; he was nearly fainting away.

Q. He did get into the Coach?—A. He did.

Q. When he was in the Coach, did it continue there or did it drive away?—A. We continued there a few Minutes before we went away. Some Gentlemen furrounded the Coach, and we could not get off, and they begged they might attend my Lord. My Lord begged they would not, for he wanted no help nor any assistance at all: he was very well. They said, "Pray, my Lord, let us attend you to the House." He said, "No, by no Means; and he would be greatly obliged to them, if they would all go back."

Q. Then he did not choose to be attended by them?—A. He did not choose to be attended by them. The Coach put off, and set him down at the House of Commons.

Q. With or without this Multitude of People attending him?—A. Without any Body attending him.

Q. Set him down at the House of Commons, or at *Westminster Bridge*?—A. At the House of Commons.

Cross Examination by Mr. ATTORNEY GENERAL.

Q. Pray, Madam, what Sort of Assistance did they offer? was he fatigued, or faint?—A. They begged to attend him where he was going, to the House; and he desired they would not; he wanted no attendance.

Q. How many might there be? Three or Four?—A. Oh, more, above Twenty.

Q. Thirty or Forty?—A. Yes; they wished to attend him to the House.

ALEXANDER JOHNSTONE, sworn.

Examined by Mr. ERSKINE.

Q. Was you, Sir, in *Palace-Yard* the 2d Day of June?—A. Yes, Sir.

Q. How early in the Morning were you there?—A. How early in the Morning? Why, I was not there till between 12 and 1 o'Clock.

Q. Were there a good many People there?—A. I came there with the Procession.

Q. With the Procession of the Protestants?—A. Yes, Sir, with the Procession of the Protestants.

Q. When you came there, did you find a great many People there?—A. Yes; I found a great many Thousands.

Q. Did you find a great many who were not of the Association that were there before you in *Old Palace-Yard*?—A. No, Sir, not at that Time.

Q. You was in the Procession?—A. Yes.

Q. Did you go along quietly and peaceably?—A. Quietly and peaceably.

Q. Was there any Disturbance of any Kind?—A. No, not in the least. Nothing but good Harmony and Peace, the best of Peace.

Q. What Time was you there?—A. I went from my House to *St. George's Fields* about Nine in the Morning.

Q. Did you see Lord George there?—A. Yes.

Q. Did you speak to him?—A. No, Sir, I could not get near him.

Q. Was there any Disturbance or Riot there?—A. Not one Word.

Q. Did you see any Riot or Disturbance in *Palace-Yard*?—A. No, Sir.

Q. Were those the same people whom you saw in *Palace-Yard* afterwards? No, because they were not in the same Dress. I beg your Pardon; I can tell the whole. I went from my own House to *St. George's Fields*, about 9 o'Clock in the Morning; and, after I came from *St. George's Fields* to *Palace-Yard*, I believe between 12 and 1, I staid about 10 Minutes, not more. Then I went with about 18 or 20 of my Acquaintance into the *Strand*, and dined there; and, after Dinner, we had a Pipe, till between 6 and 7 o'Clock at Night. Then there came Word to

us, there was such a Disturbance in *Palace Yard*, they were stopping every Carriage, so that they could neither pass nor re-pass. Then, my Lord, the Company that was with me said, We had better go down to *Palace-Yard*, and try to quell the Mob, if possible. That was, the Gentlemen who were along with me said so. I told them, my Lord, that they were no Friends to our Cause; and, therefore, we might better stay where we was than go; but they insisted we should go, to try what we could do. From their Perseverence, I went along with them; and, when I came to *Parliament-Street*, my Lord, I met a Coach, with about 20 Boys and 5 or 6 Men, stopping the Carriage. I told my Friends that were with me, you see how it is. I told you so before how it would be.

Q. How many Boys?—A. About 20 Boys, not above 15 or 16 Years of Age, were stopping the Carriage. I then went over to the Coach; and the Man who was next the Coach Door, I took hold of by the Breast, and asked him, who gave him Authority to stop that Carriage? He said, he had got Authority; I asked him from whom, he said, it was no matter from whom; he had got Authority. Then I told him, I had got Authority to take him; and I took him by the Breast, and gave him in Charge to one of the Gentlemen who was along with me. And, as soon as I had done that, the rest ran all away, and left the Carriage to itself. I intended to give him in Custody of a Constable; but the Gentlemen with me persuaded me to let him go. The Carriage went past, and I saw no more of that.

Q. Were that Set of People quite of a different Description?—A. They were a Set of mere Boys and Pickpockets.

Q. Were any of them like those you saw in *St. George's-Fields* in the Morning, belonging to the Protestant Association?—A. No, Sir, far from it, no Appearance of it at all.

Cross Examination by Mr. ATTORNEY GENERAL.

Q. How many Boys?—A. About 18 or 20. They were Lads about 16 or 18 Years of Age.

Q. Did you know that some of your Association were at the House of Commons?—A. This was in *Parliament-Street*, Sir.

Q. Do you not know that a Body of your Association was at the House of Commons?—A. No, they were all gone. I don't know but they were all gone.

Q. Then you came to quell a Riot in *Parliament-Street*, without the Idea that your Association were there?—A. I did not know.

Q. You merely walked from the *Strand* to quell the Riot?—A. I did upon Honour.

Court. Mind what is said to you. Had they left the House of Commons between 7 and 8 o'Clock?—A. Left it? I don't know whether they had or not; I did not see them from half an Hour after 12 till nigh 7 at Night. I had not seen the House of Commons, nor was nigh it. I then came down *Palace Yard*, and they were stopping every Carriage that was in it.

Q. About 18 Boys?—A. I have got some more to say.

Q. Then say it?—A. I then came down *Palace-Yard*, and then they were stopping every carriage that was there. I went over to a Carriage where there was an old Gentleman, who said he was as serious in the Cause as either of us, and begged they would let him pass, and they would not. I went to the Man that had hold of the Carriage, and asked him what Authority he had; he said, he would stop every Carriage till he knew who they were. I then took him by the Breast, and was going to give him in Custody of an Officer there, and many of them came round me, and took hold of the Hair of my Head, and pulled it; I was for a Week afterwards before I could straighten my Neck.

ALEXANDER FRAZER, sworn.

Examined by Mr. KENYON.

Q. Was you in *St. George's Fields* upon the 2d of June?—A. Yes, Sir.

Q. Was you one of the Protestant Association?—A. I signed the Petition.

Q. Was you on the *Westminster* Side of the Bridge before the Petitioners came there from *London*?—A. Yes, I went that way to the Fields.

Q. Pray, Sir, was there any Appearance of the People being collected in *Westminster* before you went to the Fields?—A. Very much, very many People.

Q. Of what Description were those People, were they Part of the Petitioners, or any others?—A. I don't believe they were, but I was very weak at that Time with a Fever, so I stopped at the Bridge. I saw several Bodies of People, such as a Dozen of People or more, collected together on the Bridge.

It was a very hot Day; I asked them if they belonged to the Association, as they had all Blue Cockades.

Q. Did they go over the Bridge? Did they appear to be of the Body of Petitioners?—A. No, Sir, many of them were in Liquor, very much; this was at a Time of Day long before the Petitioners arrived there; this was about 11 o'Clock.

Q. At what Hour was it the Petitioners came into that Part of the Town?—A. To what Part?

Q. Through *Palace-Yard*?—A. They went through *Palace-Yard*; at the End of *Downing-Street*, the Association passed.

Q. At what Time did they pass *Downing-Street*?—A. Between 3 and 4.

Q. Those which were in Liquor, with Cockades, were there much earlier than the others?—A. Yes. They were going along the Streets promiscuously in the greatest Confusion I ever saw; I suppose Hundreds of them passing both from the *Borough* and to the *Borough*.

Q. Did you ask any of those People whether they were of the Association?—A. I did, Sir. I took a Man to be in Liquor; he had a great Stick in his Hand, and he said, "No, by God, this is all the Association I have."

Q. They had all blue Cockades?—A. They had, Sir.

Q. And some were going into the Fields where the Bodies were assembled?—A. Yes.

Q. What became of them afterwards, you can't tell?—A. No. But the most of them was coming over *Westminster-Bridge*.

Q. You don't know what became of them?—A. I saw them going towards *Westminster-Hall*.

Q. What became of them you don't know?—A. No; this was about Eleven o'Clock. I returned about One o'Clock from the Fields, and as soon as I had got to *Parliament-Street*, the Riot was begun; before I had got home, there was several Carriages stoppt, and some pulling them out of the Carriages, and writing upon them, "No Popery."

Q. When was this?—A. About 1 o'Clock in the Afternoon, at the Bottom of *Downing-Street*; and at the End of *Parliament-Street*—the Confusion began, principally, about the End of the Street.

Q. Began, when?—A. About 1 o'Clock.—I have nothing more to say.

Q. Had they blue Cockades?—A. They had.

Sir PHILIP JENNINGS CLERKE, sworn.

Examined by Mr. KENYON.

Q. Were you in *St. George's Fields*, on Friday the 2d June last?—A. Yes, Sir; that Morning I had some private Business at the *Temple*; and I had ordered my Horses down to *Blackfriars Bridge*; and I rode across *St. George's Fields*, to *Westminster*.

Q. About what Time in the Morning was it you rode across the Fields?—A. I suppose it might be about 1 o'Clock, or between 1 and 2. I can't tell quite particularly.

Q. The Petitioners, were they assembled in the Fields at that Time?—A. There were vast Numbers of People on the Road, and many coming back from the Fields. A Part had marched from the City; great Numbers; and I met vast Numbers returning from the Fields; and a vast Number returning from *Blackfriars-Bridge*; and a great Number in the Fields.

Q. Now, Sir, did you take Notice of the Persons you saw?—A. I took very particular Notice of them.

Q. What Kind of Class of People did they seem to be?—A. They seemed to be the better Kind of Tradesmen; they were all mighty well drest; decent, orderly Kind of People.

Q. I believe, after that, you went to attend your Duty at the House of Commons?—A. Yes, I did Sir. I will say a Word or Two about what passed in the Fields. I stopped and conversed with a great Number, and asked them what was their meaning for assembling there? What was the Occasion of it? There was a vast Number of different Parties.—I rode close by the Foot-Path: I stopped them; the whole of them told me their Desire was there should be a Stop put to public Preaching and public Teaching; that was the Substance of what they had to say to me; they were very civil; they had no Reason to be so to me, because I never put a blue Cockade in my Hat.

Q. You saw them afterwards in the Lobby?—A. Yes Sir.—You asked me, if I went afterwards to attend my Duty in Parliament. No, I went across *Westminster-Bridge*, I went home and took my Boots off, and drest me; then went to the House.

Q. Whom, when you came to the Lobby, did you find?—A. A great Number of People in the Lobby, and some going along in different Parts of the Town.

Q. Did you take Notice of those People in different Parts of the Town and Lobby?—A. Yes, I certainly did that.

Q. Were they the same Sort of People, or different Kind of People from those in *St. Georges Fields*?—A. No.—My Opinion was, the People that were there first in the Lobby, were not those there very late in the Evening. I think those that were there very late in the Evening, were a more inferior Kind of People; a Mob of Blackguards.

Q. Did you observe an Appearance of them about *Charing-Cross*?—A. I met Thousands of People returning from *Westminster*, between *Westminster-Hall* and *Charing-Cross*, they were both as full as they could be.

Q. Were they the same People that seemed to be in *St. George's Fields*?—A. Yes, they seemed to be the same Kind of People that I had conversed with in *St. George's Fields*.

Q. Those that were returning from *Westminster*?—A. Yes.—As I returned, those in the Lobby, in the Afternoon, did not seem to me to be the same Kind of People I had seen and conversed with in the Morning, in *St. George's Fields*, neither from their Appearance nor Behaviour.

Q. Now, Sir, you heard the Conversation which Lord George held with the People in the Lobby?—A. I heard some of it.

Q. I ask, Whether you heard the Conversation Lord George held with the People in the Lobby?—A. I did hear some of it. I accidentally went into the Gallery that looks over the Lobby, two or three Times, and did hear some Part of the Conversation; but the Stench was so bad, no Body would have chosen to have staid long.

Q. Did that Conversation tend to irritate or moderate?—

Court. You cannot ask the Witness's Judgment what was the Conversation?

Sir P. J. Clerke. A. Why; the chief that I recollect was, that I heard Lord George Gordon say, that the Member for *Bristol* is now speaking; he is no Friend to your Petition;—but take Notice, I give you no Advice, unless it is that you should be temperate and firm.

Q. What Time of Night was it you heard this?—A. I think this was not very late in the Evening. I think not; but I heard him repeat those Words *temperate* and *firm* more than once, in other Parts of the Evening.

Cross Examination by Mr. ATTORNEY GENERAL.

Q. Sir Philip Jennings Clerke, If you recollect, the Speech of Mr. Burke's was not late, but pretty early; because, if you recollect, something had prevented all speaking for hours?—

A. Mr. Burke's Speech was early.

Q. There was no speaking for many Hours in the House?—

A. No, not after that.

Q. You know the House could not divide, the Lobby being full, which prevented all speaking in the House, you know, for Hours?—A. Yes, it did.

Q. You heard Lord George say to the People, you must be temperate and firm?—A. I heard him say that.

Q. And that Mr. Burke was no Friend; but he gave them no Advice?—A. Yes.

Q. You heard him repeat temperate and firm?—A. In the latter Part of the Evening, this Body seemed to be gradually changing.

Q. You think the People, in the Evening, were not the People you saw before; at least, not in the same Dress?—A. They did not appear to me to be the same Sort of People I saw in *St. George's Fields*.

Q. At what Time in the Evening did you see any Change?—A. Only from looking over the Gallery, they seemed to be very dirty People.

Q. Had they Cockades?—A. Yes, they had all Cockades.

Q. Did you hear what the People said to Lord George Gordon?

A. I heard very little—I said before, there was such an intolerable stench in looking over the Gallery, I did not think it worth my while to stay.

Q. Did you not apply to Lord George Gordon to dismiss them?—A. I do not recollect I did.

Q. Did you hear any body else?—A. I did not apply to Lord George Gordon to dismiss them—I was of opinion to adjourn—and I was of Opinion they might have done it with great Security, when the House stopt the business.

Q. Perhaps it would have been the wisest thing for the House to have done; were you in the House on the *Tuesday* again?—

A. Yes, Sir.

Q. Upon the *Tuesday* Evening, there was a Mob again?—A. I think so, upon the *Tuesday* Evening.

Q. Don't you recollect the Mob, Sir Philip?—A. Yes, at the Door of the Lobby.

Q. And in the Street?—A. Undoubtedly.

Q. Don't you recollect upon the *Tuesday*, Sir Philip, there were Soldiers in the Evening of the Houses to keep them out?

—A. I think the Soldiers were not there at first, as I recollect.

Q. Did you see my Lord George Gordon upon the *Tuesday*?—

—A. Yes, upon the *Tuesday*, I think he was at the House.

Q. Did you see him in the Evening?—A. I believe it was upon the *Tuesday* Night, he went home in the Coach with Sir James Lowther.

Q. You went in a Coach with him upon the *Tuesday* Night?—A. Yes.

Q. You were not drawn by such Animals as drew you upon the *Friday* Night?—A. No, very true, I wish I had been.

Q. How were you and Lord George received and treated by the Mob on *Tuesday* Night?—A. Do you mean that I should tell the Court all that passed that Night after I came out of the *House of Commons*.

Q. Tell the whole of it, if you please, I have no Objection?

—A. Why, Sir, the Members came out, a great Number of us together, we were walking away home; I believe that was the Night I was in Division in the House.

Q. You have not an accurate Memory about that, was it not the Night before?—A. I have a very accurate Memory about what you want to know. We came out (the Members) a great Number of us together, and when we came thro' the Guards, I happened to be very near Lord George.—I said to him, when we got thro' the Guards, and the People began to croud about us; come, Lord George, "You must be my Protector." The reason I said that to Lord George, was, the Night before I was one among a very small Number upon a Division for entering upon the Petition, and then adjourning, for I was then of opinion, that a Petition signed by 40,000 People, did merit some Attention from the Legislature; and I have not changed that opinion at all.—I had not the Honour of any personal Acquaintance of Lord George before that time; but coming out with him, among the Mob, I said, "Lord George, you must protect me." When we had got a little way, I believe, he rather wanted Protection himself. They crouded prodigiously upon us; when we came to the *Horn Tavern*, there was a Chariot standing. He looked up to a Window, and said he saw one Mr. Wigan, the owner of that Chariot, and he said, Wigan, "I am in great Distress, will you lend me your Chariot?"—He said, Yes. Lord George steps in. I would have escaped, but I could not. I was glad to get in with Lord George; I told him I was going to dine with a Friend, and wished he would be so good as set me down; concluding we should have drove away out of the Croud.—They begun in an instant, surrounded the Chariot, taking the Horses off, and it was impossible to get out.—I said, can you contrive to let me out. I had a Friend waiting for me at Dinner. Instead of stopping, they got upon the Braces, and hung upon the Doors; and you might have walked upon the People, they were so thick. We were dragged away thro' the City, to Alderman Bull's; I believe they run over above twenty People going along; they never stopped for any Body, till they made a little Stop at *Whitehall*. I thought I should have got out then, but it was quite impossible. Then they made another Stop at the *Mansion House*, and said, they must give three Cheers to the Lord Mayor, then they spoke to Lord George; and said, "Come Lord George, let us hear the Resolution of the House?"—I began to be rather alarmed then; because they had thought the House had decided in their favour. By the prodigious Shouting, I was rather alarmed; but there was so much Noise and Bustle, I believe, they did not hear what he said, and they let the Chariot go on to Alderman Bull's House. When they came there, there was such a prodigious Croud, it was sometime before we could get into the House. When we came into Alderman Bull's House, the Mob did not disperse at all; and Lord George was advised to send Word, that he was gone away from thence by the back Door, in hopes the Mob would disperse; but I believe, we waited there an Hour and a Half to no manner of Purpose. Then some of Mr. Bull's Family told Lord George, it was in vain to think they would quit the House while he was in it, and they would not believe the story of his having left it; and therefore advised him to go were he intended to go. Accordingly Lord George went down, and got into the Chariot: I am not quite sure, I believe, they then took the Horses off, and ran away with him where he was going. I was then at Liberty, after some Time, I believe Half an Hour, before the Coast was quite clear, I got into a Hackney Coach, and came away.

Q. How came they to draw you to Alderman Bull's?—A. Upon my Word I cannot tell, I was quite an accidental Passenger.

Q. But

Q. But you got in at the same Time Lord George did?—A. I got in, and was exceedingly glad to get out of the Chariot into any House.

Q. I want to know how it came into their Heads to take Lord George and you to Alderman Bull's?—A. I cannot possibly tell. When I came to *Whitehall*, Lord George told me, he would assist me to get out; and he would, if he could, I dare say.

Mr. Kenyon. Q. When the Men took the Horses out of the Chariot, what did Lord George say?—A. He said, for God's sake, go home, go peaceably about your Business. (He said the same Thing to every body); that while you behave in this unpeaceable Way, nothing in your Petition can be complied with; the House will never consent to do it.

Q. That was what he declared?—A. It was impossible for any man to take more Pains than my Lord George did, to prevail upon the People to disperse; and he said so much, that I will assure you, that when they put him to read the Resolution of the *House of Commons*, it was so very different, (he will excuse me for giving my Opinion) from the Hopes he had held out to them, I was afraid they would have fell upon us, and tore us to Pieces; I did not enjoy my Situation at all.

Jury. Q. Did these appear to be the same Sort of People you had seen in *St. George's Fields*; upon the Friday?—A. Upon my Word, they were so thick, so many together, and such Numbers of them; and to tell you the Truth, I had no great pleasure in looking out at the Window, I kept pretty snug in the Corner of the Chariot. There is some doubt where my Lord George was upon the other Night that we went out of the House. Now I can only say that Sir James Lowther carried me home; we had gone out of the House, and returned upon seeing the Soldiers come; because one of the Soldiers took hold of Lord George Gordon, and he came into the House to make a Complaint, and we returned with Lord John Cavendish. And while I was sitting upon the Bench I usually do, Lord George Gordon called out to Sir James Lowther, and asked if he would carry him home with him; to which he agreed. He seemed very much fatigued. Sir James's Carriage carried Lord George home to his own House.

Q. Pray, do you recollect Lord George Gordon say any Thing to the People at Alderman Bull's House from the Window?—A. No, I cannot say I recollect it. Upon the contrary, he did not, unless it was when he just went into the Room, where there was a Sort of a Bow Window. He went and looked out, but pulled his head in immediately; and, then, Alderman Bull sent Word he was gone away by a back Door, in hopes to get them to disperse.

JOHN TURNER, sworn.

Examined by Mr. KENYON.

Q. Were you at *St. George's Fields*?—A. I was, Sir.

Q. Well, Sir, do you recollect any Conversation that passed respecting Lord George Gordon going up to the *House of Commons*?—A. I heard my Lord George Gordon speak to the People in *St. George's Fields*, desiring they would keep Peace and good Order. He said, if any Thing had Weight with their Petition, it would be their quiet and peaceable Behaviour, and that nothing else would have Weight with it. My Lord said, he was informed since he came into the Fields, that there were a Number of Persons came abroad that Day, on Purpose to raise a Riot and a Tumult. He said, "Don't be laid away by any such Persons."

JOHN HUMPHRIES, sworn.

Examined by Mr. KENYON.

Q. Were you at *St. George's Fields* on the 2d of June?—A. Yes.

Q. Do you recollect Lord George Gordon speaking to the People assembled there, upon the Petition going up?—A. I remember a Gentleman coming from Lord George Gordon speaking to the People, and telling of them to disperse, and not for them to go up to the House upon any Consideration, upon Account there was an Act of Parliament that said, So many People should not go up with a Petition.

Court. Q. Was it to or from Lord George?—A. From Lord George; and he desired them all to disperse.

Q. Did he desire them not to go up, or to disperse?—A. He desired them not to go up to the House, but to disperse.

Q. He said both?—A. Both—upon Account there was an Act of Parliament that specified about Twenty or Forty, I will not be sure, which should not go up with the Petition.

Q. What Time of the Day was this?—A. About Eleven o'Clock.—I can't positively remember the Time, as I did not take a particular Account of it.

Q. Was you with Lord George Gordon?—A. I was sitting down.—The most kneeled down—some stood up. They all formed a Ring round him.

Q. What sort of a Gentleman was he that came to you from Lord George Gordon?—A. A lustyish Gentleman.

Cross Examination by Mr. SOLICITOR GENERAL.

Q. What Time of the Day was this?—A. About 11 o'Clock.

Q. After that my Lord had said this to you, where did he go?—A. The Ring was broke in after that was said to the People, and there was a Gentleman told them to go to their divisions.—Immediately after those Words passed from my Lord, the Ring broke in, and I did not see my Lord after that.

Q. What became of him, you don't know?—A. No, Sir.

SAMPSON HODGKINSON, sworn.

Examined by Mr. KENYON.

Q. Was you in *St. George's Fields* upon Friday the 2d of June?—A. Yes.

Q. Did you hear any Conversation from Lord George Gordon, respecting the carrying the Petition to the *House of Commons*?—A. I heard of the Conversation. I cannot say who was the Author.

Q. Was Lord George Gordon present at the Time?—A. Lord George Gordon was present at the same Time, and many other People.—The substance was this, that there might be many Foes to the Matter in Hand, and might give Cause to disorders.

Q. Where was that said?—A. In *St. George's Fields*.—And as it was a Business of Importance, they so far saw it necessary to preserve Order; but if they received Insults, and if they were struck upon one Cheek, they would offer the other, rather than resent it.

Q. Who said that?—A. I cannot place it upon any particular Person; but it was the common Conversation, both in the Middle and round the Ring. His Lordship might speak it, and others might speak it.

Q. Did Lord George Gordon say any Thing about who was to go up with him—or any of them to go up with him?—A. As Man is subject to frail Memory; I cannot be so particular, but I think it was owing to some Advice that came into the Ring, from some mechanical Person, that his Lordship advised only a certain Number to go up.

Q. Do you recollect what Number?—A. I think not Twenty. His Lordship said if that was the Case, that he would wish to avoid all offence. If that was the Case, it might be attended with Trouble and Disorder, and he would wish a less Number to go.—Many within the Ring said, they were Men capable of conducting themselves with Peace and Order, and they chose to go in Person.

Q. Did Lord George Gordon speak of the Number?—A. I cannot justly say he spoke of the Number, I think he might mention the Number of Twelve, or less—I will not speak positively to that point.

Q. Did this Company go over *London Bridge*?—A. Yes, Sir.

Q. Did they in their Way behave riotously, disorderly, or otherwise?—A. Excessively peaceable. And if the People in the Streets showed any Signs of carressing of them, it was a Signal to drop the Hand, to shew they did not approve of it.

JOHN ROBINSON, sworn.

Examined by Mr. ERSKINE.

Q. Was you in *St. George's Fields* upon the 2d of June?—A. I was, Sir.

Q. At what Time did you go there?—A. I was there, I believe, about the Hour of Twelve.

Q. Did you see Lord George Gordon there?—A. I did not see him there that Day.

Q. Not that Day?—A. Not that Day at all.

Q. How long did you stay in the Fields?—A. I stayed till the Multitude went away together, till they went over the Bridge.

Q. Did you march?—I did, in the Procession to *Westminster*.

Q. Was there any Riot?—A. Not in going to *Westminster*.

Q. What do you mean by that?—A. The Procession went very quietly to *Westminster*. When I got to *Westminster*, I marched off, and went with Two or Three Friends to get some Refreshment.—I staid there Two Hours, and came back again. I did not stay long, before I found some People grow very riotous.

Q. Where was this?—A. In *Palace Yard*.

Q. Were they of the Association?—A. I don't know that there was one of the Association; not one that I know off.

Q. Did they seem to be as well dressed People as you were in the Procession?—A. In general they were not.

Q. Not

Q. Not the same as the Association?—A. No, they seemed to be a lower Class of People.

Cross Examination by Mr. ATTORNEY GENERAL.

Q. You did not know any of them?—A. I did not know any that were riotous.

Q. When you went with the Procession, they had no sticks?—A. I had no stick, nor those with me.

Q. What do you mean by those with me?—A. The few Friends that accompanied me home.

Q. How many might that be?—A. Four.

Q. Did you march in the London Division?—A. In the London Division.

Q. I fancy you did not know One-Hundred Part of them?—A. I do not know that I did.

Q. By whose Direction did you march?—A. There was some Gentlemen that gave Orders; but who he was, I don't know.

Q. The body was in march before you got into the Fields?—A. No, Sir.

Q. You did not get into the Fields till Twelve, or thereabout?—A. Not till Twelve, or thereabout. After I got there, they formed themselves into a Circle, and marched round the Field, before they set off to go over the Bridge.

Q. Did the Petition go at the Head of your Division?—A. Yes, the Petition was carried at the Head of our Division.

Q. Did you get into the Lobby of the House of Commons?—A. I did not, Sir,—I did not attempt it.

Court. Q. When you came back again, you saw a Number of People that were riotous, had they blue Cockades or not?—A. I cannot positively say, I believe some had blue Cockades, to the best of my recollection.

Sir JAMES LOWTHER, sworn.

Examined by Mr. KENYON.

Q. Was you at the House of Commons the 2d. of June?—A. I don't exactly recollect the Day I was there—I was there the Day the Petition was presented.

Q. You remember Lord George Gordon came with it?—A. Extremely well.—I cannot recollect the Time I went out of the House after the Mob was dispersed. After the Guards were come, I went down with Sir Philip Jennings Clerke along with me.—We met the Guards in the Lobby, going down to Mrs. Bennet's Room. I spoke to Mr. Clerke, to desire we might come back into the House. I sat upon the Bench opposite the Treasury Bench: Sir George Saville upon my left hand, and Sir Philip Clerke behind me, and Lord George Gordon within one or two. Lord George was speaking relative to some Insults from the Soldiers: He said, it put him in mind of the times of Oliver Cromwell: In short, the Soldiers had got hold of his Collar. I should not have mentioned it, but with regard to what Lord George said. Have you any carriage here? I said, yes, I have; and his Lordship said, if you have any Room, I should be very glad to go along with you. I said, I should be very glad of his Company.—I said, let us stay a little longer.—Lord George was going sooner. Sir George Saville came to us; we went down to go out of the House: Sir George Saville came to the Door that comes down to Westminster-hall, and went down towards Mrs. Bennet's Room the other way. When I came there, there was nobody, but Sir John Selwyn, waiting for his Carriage. Colonel Lutterel came in, who had been in the House before; and, I recollect, I remarked Colonel Lutterel had a blue Cockade in his Hat. Colonel Lutterel took Sir John Selwyn out; and there was nobody left but us. We afterwards went into my Carriage; and as soon as I got into it, some of the People, still remaining, whom I supposed to be the Mob, came and asked—some of the Populace asked Lord George, "Is the Bill to be repealed?" Lord George said, I don't know; I hope it will: But, be quiet; go home; and make no Riot, nor no Noise. Very little Conversation passed in the Coach. I carried Sir Philip Clerke to the Top of St. James's Street; and then he desired to take a Hackney Coach, and go home. I asked Lord George, where he would be set down; he said, at his own House. As little Conversation had passed in the Coach, I said, Lord George, you seem to be much fatigued; he answered, Yes; he was very much tired. I do not know, but I believe, he was rather sleepy, during the whole Time he was there. I said, you had better let the Coach set me down, and then it shall carry you home. Accordingly it set me down at my own House, and went home afterwards with him.

Cross Examination by Mr. SOLICITOR GENERAL.

Q. You say, there was but a small Number remaining at the Time you went away?—A. I cannot exactly say how many;

I remember extremely well, when the People came and spoke to Lord George Gordon; the Part I remember was, that Lord George said to the People, "Go home; for God's Sake, go home; and make no Riot, nor Noise."

Q. What Number of People were there?—A. It was dark; at that Time of Night the Guards were a-coming. I will tell you what was my Reason for saying that. Because, when I was in the Lobby, upon the Division, there was but seven of us; I was one of the seven upon the Division, for hearing the Petitioners. I met one of the Justices, I don't know who it was, in the Lobby. I observed to him that the Lobby was very disagreeable; I went up to the Justice, and asked if he had any Difficulty in getting the People out; He said, he had no Difficulty at all.

Mrs. YEWD, sworn.

Examined by Mr. KENYON.

Q. I believe you was a Servant to Lord George Gordon in the Month of June last?—A. Yes.

Q. You was so in the Month of May last?—A. Yes.

Q. And are so now?—A. Yes.

Q. About what Time did his Lordship come home that Night?—A. About a quarter before eleven.

Q. Did he go out again?—A. He was at home on the 2d of June; he came home about a quarter before eleven o'Clock, and did not go out of the House any more that Night.

Cross Examination by Mr. SOLICITOR GENERAL.

Q. You told us the Time Lord George came upon the Friday Night, do you recollect if he left his House upon Saturday, Sunday, or Monday; or either of them?—A. My Lord was at home on Saturday, Sunday, and Monday.

Q. You saw him at home those Days, Madam?—A. Yes. I did.

Q. You saw him at home on every one of them?—A. Yes, Sir.

Q. You are sure of it?—Yes; quite sure of it.

Court. Q. Do you mean, my Lord did not go out Saturday, Sunday, and Monday; or only that he was at home some Part of those Days?—A. He was at home some Part of those Days.

Mr. Kenyon. If, in the Opinion of the Court, it should be thought necessary, I have witnesses to prove where he was every Hour. Dined with his Father-in-law, General Morris, one Day; and with another Relation, another Day. I wish your Lordship to know, we are ready to go into that Evidence, to shew every Hour and Minute of Lord George's Time, if you think it material.

Mr. ALDERMAN PUGH, sworn.

Examined by Mr. KENYON.

Q. You was Sheriff of the City of London the last Year?—A. I was.

Q. Do you recollect, Sir, in the Month of June, Lord George Gordon being in a Coach with you?—A. My Lord, I remember it very well. But, my Lord, and Gentlemen of the Jury, I hope you will excuse me, if I should not be so particular in every Transaction. It never entered into my Thoughts I should come here. But the Substance I can remember very well.

Q. Do you remember what Day of the Month of June it was?—A. Upon Wednesday the 7th, about three o'Clock in the Afternoon, a Carriage came to the Side of the Coach.

Q. Was he not, in the Course of that Day, in the same Coach with you?—A. He was.

Q. Now, when he was in the same Coach with you, and another Carriage came up, what happened then?—A. There was a young Man came up with Half a Sheet of Paper, wrote upon; and the Man seemed to be in a great Agony, desiring the Prisoner to sign it. He said, his House, (or Houses) was in Danger of being destroyed, and he wished my Lord would sign the Paper. I am clear I never looked at, nor read it, farther than seeing it in his Hand. I am not clear whether his Lordship asked my Opinion about it or no; but he signed it.

Q. I believe you signed it?—A. No. I did not.

Q. Did not you sign any Paper of the Sort?—A. None at all.

Q. This was in the Coach?—A. This was in the Coach.

Q. It was signed immediately after it was brought to you?—A. I believe he made some Stop at first, and then signed it. Whether he asked me any Question or no about it, I cannot remember. He did sign it; and the Man went away happy.

Q. Are you sure you signed no Paper in the Nature of a Protection?—A. I am clear about it.

Mr. Kenyon. I shall not trouble the Court with any more Witnesses.

Mr. ERSKINE.

Gentlemen of the Jury.

Mr. Kenyon having informed the Court that we propose to call no other witnesses, it is now my duty to address myself to you as counsel for the noble Prisoner at the Bar, the whole evidence being closed; I use the word *closed*, because it is certainly not finished, since I have been obliged to leave the place in which I sat, to disentangle myself from the volumes of names which lay there under my feet; which, if it had been necessary for the Prisoner's defence, would have confirmed all the facts that are already in evidence before you.

Gentlemen, I feel myself entitled to expect, both from you and from the Court, the greatest indulgence and attention; I am indeed a greater object of your compassion than even my noble friend, whom I am defending. He rests secure in conscious innocence, and in the well-placed assurance, that that innocence can suffer no stain in your hands. Not so with me; I stand up before you a troubled, I am afraid, a *guilty* man, in having presumed to accept of the awful task, which I am now called upon to perform; — a task, which my learned friend that spoke before me, who has justly risen by extraordinary capacity and experience, to the highest rank in his profession, has spoken of with that distinctness and diffidence, which becomes every Christian in a case of blood. — If Mr. Kenyon has such feelings, think what mine must be. — Alas! Gentlemen, who am I. — A young man of little experience, unused to the Bar of criminal Courts, and sinking under the dreadful consciousness of that inexperience. — I have however this consolation, that no ignorance or inattention on my part, can possibly prevent you from seeing, under the direction of the Judges, that the crown has established no case of treason.

Gentlemen, I did expect, that the Attorney General, in opening a great and solemn state prosecution, would have at least indulged the advocates for the Prisoner with his notions on the law of High Treason, as applied to the case before you, in less general terms. — It is very common indeed, in little civil actions, to make such obscure introductions by way of trap; but in cases of blood, it is unusual and unbecoming; because the right of the Crown to reply, even where no evidence is called by the Prisoner, gives it thereby the advantage of replying, without having given scope for observation on the principles of the opening, with which the reply must be consistent. One observation he has however made on the subject, in the truth of which I heartily concur; viz. That the crime of which the noble person at your Bar, stands accused, is certainly the very *biggest* and most *atrocious* that a member of *civil* life can possibly commit; because it is not, like all *other* crimes, merely an *injury* to society from the breach of some of its reciprocal relations, but is an attempt utterly to dissolve and destroy society altogether.

In nothing therefore is the *wisdom* and *justice* of our laws so strongly and eminently manifested, as in the rigid, accurate, cautious, explicit, unequivocal definition of what shall constitute this high offence: For High Treason consisting, as I have said, in the breach and dissolution of that allegiance, which binds society together, if it were left ambiguous, uncertain, or undefined, all the other laws established for the personal security of the subject, would be utterly useless; since this offence which, from its nature, is so capable of being created and judged of by rules of political expediency on the spur of the occasion, would be a rod at will to bruise the most virtuous members of the community, whenever that virtue might become troublesome or obnoxious to a bad government.

Injuries to the persons and properties of our neighbours, considered as individuals, which are the subjects of all other criminal prosecutions, are not only capable of greater precision, but the powers of the state can be but rarely interested in straining them beyond their legal interpretation; but if treason, where the government itself is directly offended, were left to the judgment of its Ministers, without any boundaries, nay without the most *broad*, *distinct*, and *inviolable* boundaries marked out by law, there could be no public freedom; and the condition of an Englishman would be no better than a slave's at the foot of a Sultan, since there is little difference whether a man dies by the stroke of a sabre, without the forms of a trial, or by the most pompous ceremonies of justice, if the crime could be made at pleasure by the state to fit the fact that was to be tried. Would to God, Gentlemen of the Jury, that this was an observation of theory alone, and that the page of our history was not blotted with so many melancholy disgraceful proofs of its truth! But these proofs, melancholy and disgraceful as they are, have become glorious monuments of the wisdom of our fathers,

and ought to be a theme of rejoicing and emulation to us. For from the mischiefs constantly arising to the state from every extension of the ancient law of treason — The ancient law of treason has been always restored, and the constitution at different periods washed clean, though unhappily, with the blood of oppressed and innocent men.

When I speak of the ancient law of treason, I mean the venerable statute of King Edward the Third, on which the indictment you are now trying, is framed; a statute made, as its preamble sets forth, for the more precise definition of this crime, which had not, by the common law, been sufficiently explained, and consisting of different and distinct members, the plain unextended letter of which was thought to be a sufficient protection to the person and honour of the Sovereign, and an adequate security to the laws committed to his execution. I shall mention only two of the number, the others not being in the remotest degree applicable to the present accusation.

To compass or imagine the death of the King; such imagination, or purpose of the mind, visible only to its great Author, being manifested by some open act; an institution obviously directed, not only to the security of his natural person, but to the stability of the Government; the life of the Prince being so interwoven with the constitution of the state, that an attempt to destroy the one is justly held to be a rebellious conspiracy against the other.

Secondly, — Which is the crime charged in the indictment, *to levy war against him in his realm*; a term that one would think could require no explanation, or admit of any ambiguous construction amongst men who are willing to read laws according to the plain signification of the language in which they are written, but which has nevertheless been an abundant source of that constructive cavil, which this sacred and valuable act was made expressly to prevent. The real meaning of this branch of it, as it is bottomed in policy, reason and justice; as it is ordained in plain unambiguous words, as it is confirmed by the precedents of justice, and illustrated by the writings of the great lights of the law in different ages of our history, I shall before I have done, impress upon your minds, as a safe unerring standard, by which to measure the evidence you have heard. At present I shall only say, that far and wide as judicial decisions have in the loose manner you have heard, strained the construction of levying war beyond the warrant of the statute, to the discontent of some of the greatest ornaments of the profession, they hurt not me; as a citizen I may disapprove of them, but as advocate for the noble person at your bar, I need not impeach their authority; because none of them have said more than this; — “That war may be levied against the King in his realm, not only by an insurrection to change, or to destroy the fundamental constitution of the Government itself by rebellious war, but by the same war to endeavour to suppress the execution of the laws it has enacted, or to violate and overbear the protection they afford not to individuals (which is a private wrong,) but to any general class or description of the community, by premeditated open acts of violence, hostility and force.”

Gentlemen, I repeat these words, and call solemnly on the Judges to attend to what I say, and to contradict me if I mistake the law, — by premeditated open acts of violence, hostility, and force; nothing equivocal, nothing ambiguous, no intimidations or overawings, which signify nothing precise or certain, because what frightens one man, or set of men, may have no effect upon another, but that which compels and coerces — open violence and force.

Gentlemen, this is not only the whole text, but I submit it to the learned Judges, under whose correction I am happy to speak, an accurate explanation of the statute of treason as far as it relates to the present subject, taken in its utmost extent of judicial construction, and which you cannot but see not only in its letter, but in its most strained signification, is confined to acts which immediately, openly, and unambiguously, strike at the very root and being of government, and not to any other offences however injurious to its peace.

Such were the boundaries of High Treason marked out in the reign of Edward the Third, and as often as the vices of bad Princes, assisted by weak submissive Parliaments, extended state offences beyond the strict letter of that act, as often the virtue of better Princes, and wiser Parliaments, brought them back again.

A long list of new treasons, which had grown up in the wretched reign of Richard the second, from which, (to use the language of the act that repealed them,) “no man knew what to do or say, for doubt of the pains of death,” were swept away in the first year of Henry the Fourth, his successor; and many more which had again sprung up and accumulated in the following distracted arbitrary reigns, putting tumults and riots on a foot-

ing with armed rebellion, were again levelled in the first year of Queen Mary, and the statute of Edward made once more the standard of treasons. The security indeed of his present Majesty's illustrious House from the machinations of these very Papists, who are now so highly in favour, have since that time added to the list; but these not being applicable to the present case, the ancient statute is still our only guide, which is so plain and simple in its object, so explicit and correct in its terms, as to leave no room for intrinsic error; and the wisdom of its authors resolved that it should suffer from nothing extrinsic; shut the door against all extension of the plain letter, declaring in the very body of the act itself, that nothing out of that plain letter should be brought within the pale of treason by inference or construction, but that if any such cases happened, they should be referred to the Parliament.

This wise restriction has been the subject of much just eulogium by all the most celebrated writers on the criminal law of England. Lord Coke says, that the Parliament that made it was on that account called *Benedictum* or Blessed; and the learned and virtuous Judge Hale, a bitter enemy and opposer of constructive treasons, speaks of this sacred institution with that enthusiasm, which it cannot but inspire in the breast of every lover of the just privileges of mankind.

Gentlemen, in these mild days, when Juries are so free, and Judges so independent, perhaps all these observations might have been spared as unnecessary: But they can do no harm; and this history of treason, so honourable to England, cannot, even imperfectly as I have given it, be unpleasant to Englishmen. At all events, it cannot be thought an inapplicable introduction to saying, that Lord George Gordon, who stands before you indicted for that crime, is not, cannot be guilty of it, unless he has levied war against the King in his realm, contrary to the plain letter, spirit, and intention of the twenty-fifth of Edward the Third; to be extended by no new or occasional constructions, to be strained by no fancied analogies, to be measured by no rules of political expediency, to be judged of by no theory, to be determined by the wisdom of no individual, however wise, but to be expounded by the simple genuine letter of the law.

Gentlemen, the only overt act charged in the Indictment is the assembling the multitude, which we all of us remember went up with the petition of the associated Protestants on the second day of last June; and, in addressing myself to a humane and sensible jury of Englishmen sitting in judgment on the life of a fellow citizen, more especially under the direction of a Court so filled as this is, I trust I need not remind you, that the condition, purposes, and behaviour of that multitude as originally assembled on that day, and the purposes and acts of him that assembled them, are the sole objects of investigation, and that all the dismal consequences which followed, and which naturally link themselves with this subject in the firmest minds, must be altogether cut off, and abstracted from your attention *further than the evidence warrants their admission*. Indeed if the evidence had been extensive with these consequences, if it had been proved that the same multitude under the direction of Lord George Gordon, had afterwards attacked the Bank, broke open the prisons, and set London in a conflagration, I should not now be addressing you. Do me the justice to believe, that I am neither so foolish as to imagine I could have defended him, nor so profligate as to wish it if I could. But when it has appeared not only by the evidence in the cause, but by the evidence of the thing itself, by the issues of life which may be called the evidence of Heaven, that these dreadful events were either entirely unconnected with the assembling of that multitude to attend the petition of the Protestants, or at the very worst, the unforeseen, undesigned, unabettèd, and deeply regretted consequences of it, I confess the seriousness and solemnity of this trial sink and dwindle away. Only abstract from your minds all that misfortune, accident, and the wickedness of others, have brought upon the scene, and the cause requires no advocate. When I say that it requires no advocate, I mean that it requires no argument to screen it from the guilt of treason. For though I am perfectly convinced of the purity of my noble friend's intentions, yet I am not bound to defend his prudence, nor to set it up as a pattern for imitation; since you are not trying him for imprudence, for an indiscreet zeal, or for want of foresight and precaution, but for a deliberate and malicious predetermination to overpower the laws and government of his country, by hostile rebellious force.

The Indictment first charges, that the multitude assembled on the 2d of June were armed and arrayed in a warlike manner, which indeed if it had omitted to charge, we should not have troubled you with any defence at all, because no judgment could have been given on so defective an indictment; for the statute never meant to put an unarmed assembly of citizens on a footing with armed rebellion, and the crime, whatever it is, must always appear on the face of the record, to warrant the judgment of the Court.

It is indeed true, that it has been held to be matter of evidence, and dependent on circumstances; what numbers or species of equipment and order, though not the regular equipment and order of soldiers, shall constitute an army, so as to maintain the averment in the indictment of a warlike array; and likewise what kinds of violence, though not pointed at the King's person or the existence of the Government, shall be construed to be war against the King. But as it has never yet been maintained in argument, in any Court of the kingdom, or even speculated upon in theory, that a multitude without either weapons offensive or defensive, of any sort or kind, and yet not supplying the want of them by such acts of violence as multitudes sufficiently great can achieve without them. As it has never been asserted by the wildest adventurer in constructive treason, that such a multitude, armed with nothing, threatening nothing, and doing nothing, was an army levying war. I am entitled to say that the evidence does not support the first charge in the indictment, but that on the contrary it is manifestly false; false in the knowledge of the crown which prosecutes the indictment, false in the knowledge of every man in London who was not bedridden on Friday the second of June, and who saw the peaceable demeanor of the associated Protestants. But you will hear, no doubt, from the Solicitor General, for they have saved all their intelligence for the reply, that fury supplies arms, *furor arma ministrat*, and the case of *Damaree* will, I suppose, be referred to; where the people assembled, had no banners or arms, but only clubs and bludgeons, yet the ringleader, that led them on to mischief, was adjudged to be guilty of high treason for levying war. This judgment it is not my purpose to impeach, for I have no time for digression to points that do not press upon me.

In the case of *Damaree*, the mob, though not regularly armed, were armed with such weapons as best suited their mischievous designs: their designs were open and avowed, and all the mischief was done, that could be done, if they had been in the completest armour: they burnt Dissenting Meeting-houses protected by law, and *Damaree* was taken at their head in *flagrante delicto* with a torch in his hand, not only in the very act of destroying one of them, but leading on his followers, *in person*, to the avowed destruction of all the rest. There could, therefore, be no doubt of his purpose and intention, nor any great doubt that the perpetration of such purpose was, from its generality, high treason, if perpetrated by such a force as distinguishes a felonious riot from a treasonable levying of war. The principal doubt, therefore, in that case was, whether such an unarmed riotous force was war within the meaning of the statute, and on that point very learned men have differed; nor shall I attempt to decide between them, because in this one point they all agree.—Gentlemen, for the blessing of God, attend to me here—I lay on this point they all agree, that it is the *intention* of assembling them, that forms the guilt of treason: I shall give it you in the words of a high authority. The learned Foster, whose private opinions will, no doubt, be pressed upon you as doctrine and law, and which, if taken together, as all opinions ought, and not extracted in smuggled sentences to serve a shallow trick, I am contented to consider as authority.

That great judge, immediately after supporting the case of *Damaree*, as a levying war within the statute against the opinion of Hale, in a similar case of the destruction of bawdy-houses, which happened in his time, says, "*The true criterion therefore seems to be—quo animo—did the parties assemble, with what intention did they meet?*"

On that issue, then, by which I am supported by the whole body of the criminal law of England, concerning which there are no practical precedents of the Courts that clash, nor even abstract opinions of the closest that differ—I come forth with boldness to meet the Crown: For even supposing this peaceable multitude, though not hostilely arrayed, too without one species of weapon among them, though assembled without plot or disguise by a public advertisement, exhorting, nay commanding peace, and inviting the Magistrates to be present to preserve it, if broken; though composed of thousands, who are now standing unimpeached around you and unproved, yet, who are all principals in treason, if such assembly was treason; supposing, I say, this multitude to be nevertheless an army within the Statute, still the great question would remain behind, on which the guilt or innocence of the accused must singly depend, and which it is your exclusive province to determine; namely, Whether they were assembled by my noble Client for the traitorous purpose charged in the indictment? For war must not only be levied, but it must be levied against the King in his realm; *i. e.* either directly against his person to alter the constitution of the government, of which he is the head, or to suppress the laws, committed to his execution, by rebellious force. You must find, that Lord George Gordon assembled these men with that traitorous intention: You must find not merely a riotous, illegal *petitioning*, not a tumultuous, indecent importunity to influence Parliament, not the compulsion of motive, from seeing so

great a body of people united in sentiments and clamorous supplications; BUT THE ABSOLUTE UNEQUIVOCAL COMPULSION OF FORCE, from the hostile *acts* of numbers united in rebellious conspiracy and arms.

This is the issue you are to try; for crimes of all denominations, consist wholly, in the purpose of the human will producing the act. *Actus non facit reum, nisi mens sit rea.* The act does not constitute guilt, unless the mind be guilty: This is the great text from which the whole moral and policy of penal justice is deduced; it stands at the top of the criminal page through all the volumes of our humane and sensible laws; and Lord Chief Justice Coke, whose chapter on this crime is the most authoritative and masterly of all his valuable works, ends almost every sentence with an emphatical repetition of it.

It is necessary that the indictment should charge an open act; because the purpose of the mind, which is the object of trial, can only be known by actions; or, again, to use the words of Foster, who has ably and accurately expressed it, "The Traitor's Purpose is the treason; the overt act the means made use of to effectuate the intentions of the heart." But why should I borrow the language of Foster, or of any other man, when the language of the indictment itself, is lying before our eyes. What does it say?—Does it directly charge the overt act as in itself constituting the crime?—No—It charges that the prisoner "maliciously, and traitorously, did compass, imagine and intend to raise and levy war and rebellion against the King." This is the malice premeditated of treason; and that to fulfil and bring to effect such traitorous compassings and intentions, he did, on the day mentioned in the indictment, actually assemble them, and levy war and rebellion against the King. Thus the law, which is made to correct and punish the wickedness of the heart, and not the unconscious deeds of the body, goes up to the fountain of human agency, and arraigns the lurking mischief of the soul, dragging it to light by the evidence of open acts. The hostile mind is the crime; and therefore, unless the matters which are in evidence before you, do, beyond all doubt or possibility of error, convince you that the prisoner is a determined traitor in his heart, the Prisoner is not guilty.

It is the same principle which creates all the various degrees of homicide, from that which is excusable to the malignant guilt of murder.—The fact is the same in all, the death of the man is the imputed crime; but the circumstance of intention make all the difference; and he who killed him is pronounced a murderer, a single felon, or only an unfortunate man, as the circumstances by which his mind is decyphered to the Jury, shews it to have been cankered by deliberate wickedness, or stirred up by sudden passions.

Here an immense multitude was beyond all doubt assembled on the 2d of June; But whether he that assembled them be guilty of high treason, of a high misdemeanor, or only of a breach of the act of King Charles the Second against tumultuous petitioning, (if such an act still exists,) depends wholly upon the evidence of his purpose in assembling them, to be gathered by you, and by you alone from the whole tenor of his conduct; and to be gathered not by inference, or probability, or reasonable presumption, but in the words of the act, *proveably*; that is, to the full unerring force of demonstration. You are called upon your oaths to say—Not whether Lord George Gordon assembled the multitudes in the place charged in the indictment, for that is not denied; but whether it appears by the facts produced in evidence for the Crown, when confronted with the proofs which we have laid before you; that he assembled them in hostile array, and with a hostile mind, to take the laws into his own hands by main force, and to dissolve the constitution of the Government, unless his petition should be listened to by Parliament.

Gentlemen, this is your exclusive province to determine; the court can only tell you what acts the law in its general theory holds to be high treason, on the general assumption that such acts proceed from traitorous purposes; But they must leave it to your decision, and to your decision alone, whether the acts proved now, appear in the present instance, under all the circumstances to have arisen from the causes which form the essence of this high crime.

Gentlemen, you have now heard the law of treason; first in the abstract, and secondly as it applies to the general features of the case; and you have heard it with as much sincerity, as if I had addressed you upon my oath from the Bench where the Judges sit. I declare to you solemnly, in the presence of that Great Being at whose higher bar we must all hereafter appear, that I have used no one art of an advocate, but have acted the plain unaffected part of a Christian man, instructing the consciences of his fellow citizens to do justice.

If I have deceived you on the subject, I am myself deceived; and if I am deceived thro' ignorance, my ignorance is incurable; for I have feared no pains to understand it. I am not stiff in

opinions, but, before I change any one of those that I have given you, I must see some direct monument of justice that contradicts them. For the law of England pays no respect to theories, however ingenious, or to authors, however wise, and therefore, unless you hear me refuted by direct precedent, and not by vague doctrine;—if you wish to sleep in peace, follow me.

And now, Gentlemen, the most important part of our task begins; namely, the application of the evidence to the doctrines I have laid down. For trial is nothing more than the reference of facts to a certain rule of action; and a long recapitulation of them would only serve to distract and perplex the memory, without enlightening the judgment, unless the great standard principle, by which they are to be measured, is fixed and rooted in the mind. When that is done, which I am confident has been done by you, every thing worthy of observation falls naturally into its proper place, and the result is safe and certain.

Gentlemen, it is already in proof before you, indeed it is now a matter of history, that an Act of Parliament passed in the sessions of 1778, for the repeal of certain restrictions, which the policy of our ancestors had imposed upon the Roman Catholic religion to prevent its extension, and to render its limited toleration harmless; restrictions imposed, not because our ancestors took upon them to pronounce their faith to be offensive to God, but because it was incompatible with good faith to man; being utterly inconsistent with that allegiance, which every subject owes to the government under which he lives, but from the oaths and obligations of which, their religion gave them not only a release, but a crown of glory and merit for betraying.

It was indeed with astonishment that I heard the Attorney-general stigmatize those wise regulations of our patriot ancestors, with the title of factious and cruel impositions on the consciences and liberties of their fellow citizens.

Gentlemen, they were at that time wise and salutary regulations, regulations to which this country owes its freedom, and his Majesty his Crown; a Crown which he wears under the strict entail of professing and protecting that religion, which these acts were made to repress, and which I know my noble friend at the Bar joins with me, and with all good men, in wishing, that he and his posterity may wear for ever.

Gentlemen, it is not my purpose to recall to your minds the fatal effects which this infamous bigotry has in former days produced in this island. I will not follow the example the Crown has set me, by making an attack on your passions, on subjects foreign to the object before you. I will not call your attention from those flames kindled by a villainous banditti, which they have thought fit, in defiance of evidence, to introduce, by bringing before your eyes the crueler flames in which the bodies of our expiring, meek, patient, Christian Fathers, were little more than a century ago consuming in Smithfield. I will not call up from the graves of martyrs all the precious, holy blood, that has been spilt in this land to save its established government and its reformed religion, from the secret villainy, and the open force of Papists. The cause does not stand in need even of such honest arts, and I feel my heart too big, voluntarily to recite such scenes, when I reflect that some of my own and my best and dearest progenitors, from whom I glory to be sprung, ended their innocent lives in prisons, and in exile, *only because they were Protestants.*

Gentlemen, whether the great lights of science and of commerce which, since these disgraceful times, have illuminated Europe may, by dispelling these shocking prejudices, have rendered the Papists of this day as safe and trusty subjects, as those that conform to the national religion established by law, I shall not take upon me to determine; it is wholly unconnected with the present enquiry. We are not trying a question either of Divinity or civil policy, and I shall therefore not enter at all into the motives or merits of the act that produced the Protestant Petition to Parliament; it was certainly introduced by persons that cannot be named by any good citizen without affection and respect; but this much I will say without fear of contradiction, that it was sudden and unexpected, that it passed with uncommon precipitation, considering the magnitude of the object; that it underwent no discussion; and that the heads of the church, the constitutional guardians of the national religion, were never consulted upon it. Under such circumstances, it is no wonder that many sincere Protestants were alarmed; they had a right to be alarmed; it is the privilege, and the duty of all the subjects of England, to watch over their religious and civil liberties, and to approach either the Senate or the Throne with their fears and their complaints. A privilege which has been bought with the dearest blood of our ancestors, and which is confirmed to us by law, as an ancient birthright and inheritance.

Soon after the repeal of the Act, the Protestant Association began; and from small beginnings extended all over the

and Scotland. A deed of Association was signed by all legal means to oppose the growth of Popery, and which of the advocates for the Crown will stand up and say, that such an union was illegal. Their union was perfectly constitutional, there was no obligation of secrecy, their transactions were all public; a committee was appointed for regularity and correspondence, and circular letters were sent to all the dignitaries of the church, to join with them in the protection of the national religion.

Gentlemen, all this happened before Lord George Gordon was a member of, or the most distantly connected with it; for it was not till November, 1779 that the London Association made him an offer of their chair, by an unanimous resolution communicated to him unsought and unexpected, in a public letter signed by the Secretary in the name of the whole body; and from that day, to the day that he was committed to the Tower, I will lead him by the hand in your view, that you may see there is no blame in him. Even though all his behaviour was unreserved and public, and tho' watched by wicked men for purposes of vengeance, the Crown has totally failed in giving it such a context, as can justify, in the mind of any reasonable man, the conclusion they wish to establish.

This will fully appear hereafter, but let us first attend to the evidence on the part of the Crown:

The first witness, which it has called to support this prosecution, is, William Hay, a bankrupt in fortune he acknowledges himself to be, and, I am afraid, he is a bankrupt in conscience; such a scene of impudent, ridiculous inconsistency, would have utterly destroyed his credibility in the most trifling civil suit; and I am therefore almost ashamed to remind you of his evidence, when I reflect that you will never suffer it to glance across your minds on this solemn occasion.

This man, whom I may now, without offence or slander, point out to you as a dark Popish spy, who attended the meetings of the London Association to pervert their harmless purposes, conscious that the discovery of his character would invalidate all his testimony, endeavoured at first to conceal the activity of his zeal, by denying that he had seen any of the destructive scenes imputed to the Protestants, yet, almost in the same breath, it came out that there was hardly a place, public or private, where riot had erected her standard, in which he had not been; nor a house, prison, or chapel, that was destroyed, to the demolition of which he had not been a witness. — He was at Newgate, and the Fleet; at Langdale's, and in Coleman-street; at the Sardinian Ambassador's, and in Great Queen-street, Lincoln's Inn Fields. — What took him to Coachmaker's-Hall? — He went there, as he told us, to watch their proceedings, for he expected no good from them; and, to justify his prophecy of evil, he said, on his examination by the Crown, that as early as December he had heard some alarming republican language. — What expressions did he remember? — Why, that the Lord Advocate of Scotland was called only Harry Dundas. — Finding this too ridiculous for so grave an occasion, he endeavoured to put some words about the breach of the King's Coronation Oath into the Prisoner's mouth, as proceeding from himself, which it is notorious he read out of an old Scotch book, published near a century ago, on the abdication of King James the Second. — Only attend to his cross examination: — He said he was sure he had seen Lord George Gordon at Greenwood's Room in January, but when Mr. Kenyon, who knew he had never been there, advised him to recollect himself, he desired to consult his notes.

First, he is positively sure from his memory, that he had seen him there. Then he says, he cannot trust to his memory, without recurring to his papers. On looking at them, they contradict him, and he then confesses that he never saw Lord George Gordon at Greenwood's Room in January, when his note was taken, or at any other time. But why did he take notes? — He said, it was because he foresaw what would happen. — How fortunate the Crown is, Gentlemen, to have such friends to collect evidence by anticipation. — When did he begin to take notes? He said on the 21st of February, which was the first time he had been alarmed at what he had seen or heard, although not a minute before, he had been reading a note taken at Greenwood's Room in January, and had sworn that he attended their meetings from apprehension of consequences as early as December.

Mr. Kenyon, who now saw him bewildered in a maze of falsehood, and suspecting his notes to have been a villainous fabrication, to give the shew of correctness to his evidence, attacked him with a shrewdness, for which he was wholly unprepared; you remember the witness had said, that he always took notes when he attended any meetings where he expected their deliberations might be attended with dangerous consequences.

course of your life, where you ever took notes before?" Poor Mr. Hay was thunder-struck, the sweat ran down his face, and his countenance bespoke despair, not recollection. "Sir, I must have an instance; tell me when, and where?" — Gentlemen, it was now too late, some instance he was obliged to give; and it was too evident to every body, that he had one still to chuse; I think he might have chosen a better. He had taken notes at the General Assembly of the Church of Scotland six and twenty years before. What! did he apprehend dangerous consequences from the deliberations of the grave elders of the Kirk; were they levying war against the King? At last, when he is called upon to say, to whom he communicated the intelligence he had collected, the spy stood confessed indeed: At first he refused to tell, saying he was his friend, and that he was not obliged to give him up; and when forced at last to speak, it came out to be Mr. Butler, a gentleman universally known, and who, from what I know of him, I may be sure never employed him or any other spy, because he is a man every way respectable, but who certainly is not only a Papist, but the person who was employed in all their proceedings to obtain the late indulgences from Parliament. He called Mr. Butler his particular friend, yet professed himself ignorant of his religion. I am sure he could not be desired to conceal it; it is no reproach to any man that lives the life he does; but Mr. Hay thought it of moment to his credit in the cause, that he himself might be thought a Protestant, unconnected with Papists, and not a Popish Spy.

So ambitious was Mr. Hay of being useful in this character, through every stage of the cause, that after staying a little in St. George's Fields, he run home to his own house in St. Dunstan's churchyard, and got upon the leads, where he saw the very same man carrying the same flag he had seen in the fields. Gentlemen, whether the petitioners employed the same standard-man through the whole course of their peaceable procession, is certainly totally immaterial to the cause; but the circumstance is material to shew the wickedness of the man. How says Mr. Kenyon, do you know that it was the same person you saw in the fields, — was you acquainted with him? — No. — How then? Why he looked like a brewer's servant; *like a brewer's servant!* what, were they not all in their Sundays cloaths? — Oh! yes they were all in their Sundays cloaths. — Was the man with the flag alone in the dress of his trade? — No. — Then how do you know he was a brewer's servant? — Poor Mr. Hay! Nothing but sweat and confusion again. At last, after a hesitation, which every body thought would have ended in his running out of court, he said he knew him to be a brewer's servant, because there was something particular in the cut of his coat, the cut of his breeches, and the cut of his stockings. You see by what strange means villany is detected; perhaps he might have escaped from me; but he sunk under that shrewdness and sagacity, which ability, without long habits, does not provide. Gentlemen, you will not, I am sure, forget, whenever you see a man, about whose apparel there is any thing particular, to set him down for a brewer's servant.

Mr. Hay afterwards went to the Lobby of the House of Commons. What took him there? — He thought himself in danger; and, therefore, says Mr. Kenyon, you thrust yourself voluntarily into the very center of danger. *That would not do.* — Then he had a particular friend, whom he knew to be in the Lobby, and whom he apprehended to be in danger. — "Sir, who was that particular friend? out with it; give us his name instantly?" All in confusion again, not a word to say for himself; and the name of this person, who had the honour of Mr. Hay's friendship, will probably remain a secret for ever. It may be asked, how are these circumstances material? and the answer is obvious; they are material, because, when you see a witness running into every hole and corner of falsehood, and as fast as he is made to bolt out of one, taking cover in another, you will never give credit to what that man relates as to points which are to affect the life or reputation of a fellow citizen accused before you. God forbid that you should. I might therefore get rid of this wretch altogether, without making a single remark on that part of his testimony which bears upon the issue you are trying; but the Crown shall have the full benefit of it all, I will defraud it of nothing he has said; notwithstanding all his bankruptcy of fortune and conscience, and all his folly and wickedness, let us for the present take it as true, and see what it amounts to. What is it he states at Coachmakers-hall? — That Lord George Gordon desired them to behave with unanimity and firmness, as the Scotch had done. Gentlemen, there is no manner of doubt that the Scotch behaved with unanimity and firmness, in resisting the relaxation of the penal laws against Papists; and that, by that unanimity and firmness they succeeded; but it was by the constitutional unanimity and firmness of the great body of the pro-

mended, and not by riots and burnings, which they attempted to prove, had been committed in Edinburgh, in the year 1778. I can tell you myself, Gentlemen, as one of the people of Scotland, that there then existed, and still exists, 85 societies of Protestants; who have been, and still are, uniformly firm, in opposing every change in that system of laws established to secure the Revolution; and Parliament gave way in Scotland to their united voice, not to the firebrands of the rabble. It is the duty of Parliament to listen to the voice of the people, for they are the servants of the people; and when the constitution of church or state is unanimously believed, whether truly or falsely, to be in danger, I hope there will never be wanting men, notwithstanding the proceedings of to-day, to desire the people to persevere and be firm. Gentlemen, has the Crown proved that the Protestant brethren of the London Association had fired the mass-houses in Scotland, or had acted in rebellious opposition to law, so as to entitle it to wrest the prisoner's expressions into an excitation of rebellion against the state, or of violence against the property of Papists here, by setting up their firmness as an example? Certainly not! They have not even proved the naked fact of such violences being committed, though such proof would have called for no resistance; since, to make it bear as rebellious advice to the Protestant Association of London, it must have been first shewn, that such acts had been perpetrated and encouraged by the Protestant societies in the North. Who has dared to say this? No man. Gentlemen, the rabble in Scotland certainly did that which has since been done by the rabble in England, to the disgrace and reproach of both countries; but in neither country was there found one man of character or condition of any description, who abetted such enormities. Nor any man, high or low, of any of the associated Protestants here or there, who were either convicted, tried, or taken on suspicion.

As to what this man heard upon the 29th of May, it was nothing more than the proposition of going up in a body to St. George's Fields, to consider how the Petition should be presented, with the same exhortations to firmness as before. The resolution made on the motion has been read, and when I come to state the evidence on the part of my noble friend, I will shew you the impossibility of supporting any criminal inference from what Mr. Hay afterwards puts in his mouth in the lobby, even taking it to be true. I wish here to be accurate [looks at a piece of paper, on which he had taken down his words.] he says, "Lord George desired them to continue stedfastly to adhere to so good a cause as theirs was; promised to persevere in it himself; and hoped, though there was little expectation at present from the House of Commons, that they would meet with redress from their mild and gracious Sovereign," who, no doubt, would recommend it to his ministers to repeal it. This was all he heard, and I will shew you how the man, wicked as he is, if any belief is to be given to him, entirely overturns and brings to the ground the evidence of Mr. Bowen, on which the Crown rests singly for proof of words which are more difficult to explain. Gentlemen, was this the language of rebellion? If a multitude was at the gates of the House of Commons, to command and insist upon a repeal of this law, why encourage their hopes, by reminding them they had a mild and gracious Sovereign. If war was levying against him, there was no occasion for his mildness and graciousness. If he had said be firm and persevere, we shall meet with redress from the prudence of the Sovereign, it might have borne a different construction, because whether he was gracious or severe, his prudence might lead him to submit to the necessity of the times. The words sworn to were therefore perfectly clear and unambiguous; persevere in your zeal and your supplication, and you will meet with redress from a mild and gracious King, who will recommend to his ministers to repeal it. Good God! if they were to wait till the King, whether from benevolence or fear, should direct his ministers to influence the proceedings of Parliament, how does it square with the charge of instant coercion or intimidation of the House of Commons? If the multitude was assembled with the premeditated design of producing a repeal by terror or arms, is it possible to suppose that their leader would desire them to be quiet, and refer them to those qualities of the prince, which, however eminently belonged to him, never could be exerted on subjects in rebellion to his authority. Into what a labyrinth of nonsense and contradiction men involve themselves, when, forsaking the rigid rule of evidence, in cases of blood, they will draw conclusions from words in contradiction to language, and in defiance of common sense.

The next witness that was called to you by the Crown, was Mr. Metcalf. He was not in the lobby, but speaks only to Coach-maker's-hall and St. George's fields. He says, Lord George reminded them, that the Scotch succeeded by their unanimity, hoped that no one who had signed the petition would be ashamed or afraid to shew himself in the cause; that he was ready to go to the gallows for it; that he would not present the petition of a lukewarm people; desiring them to come to St. George's fields,

distinguished by blue cockades, and that they should be marshalled in four divisions; then he speaks to seeing them in the fields in the order that had been prescribed; that he saw Lord George there in a coach, surrounded by a vast concourse of people with blue cockades, forming like soldiers, but was not near enough to hear whether the prisoner spoke to them or not, nor is he certain whether Lord George left the fields before them. Such is Mr. Metcalf's evidence; and after the attention you have already honoured me with, and which I shall be obliged to ask of you again upon the same subject,—I will not weary you with a repetition of the same observation; but shall only say, If they had been such conspirators as they are represented, their doors would hardly have been opened to strangers, like this evidence, to come in, and report their proceedings.

The next witness is Mr. Anstruther, who speaks of the language and deportment of the noble prisoner, both at Coach-maker's-hall on the 29th of May, and afterwards on the 2d of June in the lobby of the House of Commons. It will be granted to, I am sure, even by the advocates of the Crown, that this gentleman, not only from the clearness and consistency of his testimony, but from his rank and character in the world, is infinitely more worthy of credit than Mr. Hay who went before him; and if the circumstances of irritation and confusion, under which the Rev. Mr. Bowen confessed himself to have heard and seen what he told you he heard and saw, I may likewise assert, without any offence to the Rev. gentleman, and without drawing any parallel between their credits, that where their accounts of this transaction differs, the preference is due to the former. Mr. Anstruther very properly prefaced his evidence with this declaration; "I do not mean to speak accurately to words; it is impossible to recollect them at this distance of time." I believe I have used his very expression, and such expression it well became him to use in a case of blood; but words, even if they could be accurately remembered, are to be admitted with great reserve and caution, when the purpose of the Speaker is to be measured by them, they are transient and fleeting, frequently the effect of a sudden transport, easily misunderstood, and often consciously misrepresented, it may be the fate of the most innocent language to appear ambiguous, or even malignant when related in mutilated detached passages, by people to whom they were not addressed, and who knew nothing of the previous designs, either of the Speaker or of those to whom he spoke. Mr. Anstruther says, that he heard Lord George Gordon desire the petitioners to meet him on the Friday following in St. George's-fields, and that if they were fewer than 20,000 people he would not present the petition, as it would not be of consequence enough, and that he recommended to them the example of the Scotch, who by their firmness had carried their point. Gentlemen, I have already admitted that they did by firmness carry it, but has Mr. Anstruther attempted to state any one expression that fell from the prisoner to justify the positive unerring conclusion, or even the presumption that the firmness of the Scotch Protestants, by which the point was carried in Scotland, was the resistance and riots of the rabble? No, gentlemen, he singly states the words as he heard in the hall on the 29th, and all that he afterwards speaks to in the lobby rebuts so harsh and dangerous a construction, for there, he says, he recommended temperance and firmness. Gentlemen, if his motives are to be judged by words, for Heaven's sake let them carry their popular use and language. Is it to be presumed, without proof, that a man means one thing because he says another? Does the exhortation of temperance and firmness apply most naturally to the constitutional resistance of the Protestants of Scotland, or to the outrages of ruffians, who pulled down the houses of their neighbours? Is it possible, with decency, to say in a Court of Justice, that the recommendation of temperance is the excitation of villainy and phrenzy? But the words, it seems, are to be so construed, not from their own signification, but from that which follows, viz. "by that the Scotch carried their point." Gentlemen, is it in evidence before you, that by rebellion the Scotch carried their point; or, that the indulgencies granted to Papists were not extended to Scotland because the rabble had opposed the extension? Has the Crown authorised the Court, or its law servants, to tell you, or can it be decently maintained, that Parliament was so infamous, or so weak, as to yield to a wretched mob of vagabonds, at Edinburgh, what it has since refused to the earnest prayers of a hundred thousand Protestants in London? No. Gentlemen of the Jury, Parliament was not, I hope, so abandoned, but the Ministers knew that the Protestants in Scotland were, to a man, abhorrent of that law; and though they never held out resistance, if Government should be disposed to cram it down their throats by force, yet such a violence to the united sentiments of the people appeared to be a measure so obnoxious, so dangerous, and withal so unreasonable, that it was wisely and judiciously dropped to satisfy the general wishes of the nation, and not to avert the vengeance of those low incendiaries, whose misdeeds have rather been talked of than proved. Thus, Gentlemen, the exculpation of

Lord George's conduct, on the 29th of May, is sufficiently established, by the very evidence on which the Crown asks you to convict him; since in recommending temperance and firmness, after the example of Scotland, you cannot be justified in pronouncing that he meant more than the firmness of the grave and respectable people of that country, to whose constitutional firmness the Legislature had before acceded, instead of branding it with the title of rebellion; and who, in my opinion, deserve thanks from the King in temperately and firmly resisting every innovation which they conceived to be dangerous to the national religion; independent of which, his Majesty, without a new limitation by Parliament, has no more title to the Crown than I have.

Such, Gentlemen, is the whole amount of all my noble friend's previous communications with the petitioners, whom he afterwards assembled to consider how their petition should be presented. This is all not only that men of credit can tell you, on the part of the prosecution, but all that even the worst vagabond that ever appeared in a Court, the very scum of the earth, thought himself safe in saying upon oath on the present occasion. Indeed, Gentlemen, when I consider my noble friend's situation, his open unreserved temper, and his warm and animated zeal for a cause which rendered him obnoxious to so many wicked men, and speaking daily and publicly to mixed multitudes of friends and foes, on a subject which affected his passions, I confess I am astonished that no other expressions than those in evidence before you have found their way into this Court; that they have not found their way, is surely a most satisfactory proof that there was nothing in his heart, which even his youthful zeal could magnify into guilt, or want of caution could betray.

Gentlemen, Mr. Anstruther's evidence, when he speaks of the lobby of the House of Commons, is very much to be attended to; he says, "I saw Lord George leaning over the gallery;" which position, joined with what he mentions of his talking with the Chaplain, marks the time, and casts a strong doubt on Bowen's testimony, which you will find, stands in this only material part of it single and unsupported. "I then heard him," continues Mr. Anstruther, "tell them that they had been called a mob in the House, and that peace officers had been sent to disperse them, peaceable petitioners; but that by steadiness and firmness they might carry their point; as he had no doubt his Majesty, who was a gracious Prince, would send to his Ministers to repeal the act, when he heard his subjects were coming up for miles round, and wishing its repeal." How coming up? in rebellion, and arms to compel it? No: all is still put on the graciousness of the Sovereign, in listening to the unanimous wishes of his people. If the multitude then assembled had been brought together, to intimidate the House by their firmness, or to coerce it by their numbers, it was ridiculous to look forward to the King's influence over it, when the collection of future multitudes should induce him to employ it; the expressions were therefore quite unambiguous; nor could malice itself have suggested another construction of them, were it not for the fact that the House was at that time surrounded, not by the petitioners whom the noble prisoner had assembled, but by a mob who had mixed with them, and who, therefore, when addressed by him, were instantly set down as his followers. He thought he was addressing the sober Members of the Association, who by steadiness and perseverance could understand nothing more than perseverance in that conduct he had antecedently prescribed. For steadiness signifies an uniformity, not a change of conduct; and I defy the Crown to point out a single expression, from the day he took the Chair of the Association to the day I am speaking of, that justifies any other construction of steadiness and firmness than that which I put upon it before.

What would be the feelings of our venerable ancestors, who framed the statute of treason, to prevent their children being drawn into the snares of death, unless proveably convicted by overt acts; if they could hear us disputing whether it was treason to desire harmless, unarmed men, to be firm and of good heart, and to trust to the graciousness of their King.

Here Mr. Anstruther closes his evidence, which leads me to Mr. Bowen, who is the only man.—*I beseech you, Gentlemen of the Jury, to attend to this circumstance.*—Mr. Bowen is the only man who has attempted, directly or indirectly, to say, that Lord George Gordon uttered a syllable to the multitude in the lobby, concerning the destruction of the Mass-houses in Scotland: not one of the Crown witnesses, not even the wretched abandoned Hay, who was kept, as he said, in the lobby the whole afternoon: from anxiety for his pretended friend, has ever glanced at any expression resembling it. They all finish with the expectation which he held out, from a mild and gracious Sovereign. Mr. Bowen alone goes on further, and speaks of the successful riots of the Scotch, but speaks of them in such a manner, as so far from conveying the hostile idea which he seemed sufficiently desirous to convey, tends directly to wipe off the dark hints and insinuations which have been made to supply the place of proof upon that subject; a subject which should not have been touched on

without the fullest support of evidence, and where nothing but the most unequivocal evidence ought to have been received.

He says, his Lordship began by bidding them be *quiet*, *PEACEABLE* and *steady*—*not steady alone*—though if that had been the expression, singly by itself, I should not have been afraid to meet it: but be quiet, *PEACEABLE*, and *steady*! Gentlemen, I am indifferent what other expressions of dubious interpretation are mixed with these, for you are trying whether my noble friend came to the House of Commons with a decidedly hostile mind; and as I shall, on the recapitulation of our own evidence, trace him in your recollection without spot or stain, down to the very moment when the imputed words were spoken, you will hardly forsake the whole innocent context of his behaviour, and torture your inventions to collect the blackest system of guilt, starting up in a moment, without being previously concerted, or being afterwards carried into execution.

First, What are the words by which you are to be convinced that the Legislature was to be frightened into compliance, and to be coerced if terror should fail! "*Be quiet, PEACEABLE, and steady; you are a good people; your's is a good cause. His Majesty is a GRACIOUS Monarch, and when he hears that all his people, ten miles round, are collecting, he will send to his Ministers to repeal the act.*" God of Heaven! Gentlemen, by what rules of construction can such an address to unarmed, defenceless men, be tortured into treasonable guilt? It is impossible to do it, without pronouncing, even in the total absence of all proof of fraud or deceit in the Speaker, that *quiet* signifies tumult and uproar, and that *peace* signifies war and rebellion.

Gentlemen, I before observed, that it was most important for you to remember, that with this exhortation to be quiet, and confidence in the King, the evidence of the other witnesses closed; even Mr. Anstruther, who was a long time afterwards in the lobby, heard nothing further; so that if Mr. Bowen had been out of the case altogether, what would the amount have been? Why simply, that Lord George Gordon having assembled an unarmed, inoffensive multitude in St. George's Fields, to present a petition to Parliament, and finding them becoming tumultuous to the discontent of the Members, and the discredit of the cause, desired them not to give it up, but to continue to shew their zeal for the legal object in which they were engaged, and to manifest that zeal quietly and peaceably, and not to despair of success; since, though the House was not disposed to listen to it, they had a gracious Sovereign, who would. This is the sum and substance of the whole. They were not, even by any one ambiguous expression, encouraged to truit to their numbers as sufficient to overawe the House, or to their strength to compel it, nor to the prudence of the state in yielding to necessity, but to the indulgence of the King, in compliance with the wishes of his people.

Mr. Bowen, however, thinks proper to proceed; and I beg that you will particularly attend to the sequel of his evidence. He stands single, in all the rest that he says, which might entitle me to ask you, absolutely to reject it; but I have no objection to your believing it every word if you can, because, if inconsistencies prove any thing, they prove, that there is nothing of that deliberation which constitutes guilt. *I mean to be correct as to his words.* (Looks at his words which he had taken down.) He says, "that Lord George told the people, that an attempt had been made to introduce the Bill into Scotland, and that they had no redress, till the mass-houses were pulled down. That Lord Weymouth then sent official assurances, that it should not be extended to them." Gentlemen, why is Mr. Bowen called by the Crown to tell you this? The reason is plain,—because the Crown, conscious that it could make no case of treason from the rest of the evidence in the sober judgment of law, aware that it had proved no purpose or act of force against the House of Commons, to give countenance to the accusation, much less to warrant a conviction, found it necessary to hold up the noble prisoner, as the wicked and cruel author of all those calamities, in which every man's passions might be supposed to come in to assist his judgment to decide. They therefore make him speak in enigmas to the multitude; not telling them to do mischief, in order to succeed, but that by mischief in Scotland, success had been obtained. Gentlemen, if Mr. Bowen had even ended here, I can hardly conceive such a construction could be decently hazarded, after all the witnesses we have called; how much less when after the dark insinuations which such expressions might otherwise have been argued to convey, the very same witness, on whose testimony alone they are to be believed, and who must be credited or discredited *in toto*, takes out the sting himself, by giving them such an immediate context and conclusion, as renders the proposition ridiculous, which his evidence is brought forward to establish: for, he says, that Lord George, instantly afterwards, addressed himself thus:—*Beware of evil-minded persons who may mix among you and do mischief, the blame of which will be imputed to you.* Gentlemen, if you reflect on the slander which I told you fell upon the Protestants in Scotland, by the acts of the rabble there, I am sure that you will

see the words are capable of an easy explanation. But as Mr. Bowen concluded with telling you, that he heard them in the midst of noise and confusion, and as I can only take them from him, I shall not make an attempt to collect them into one consistent discourse, so as to give them a decided meaning in favour of my client, because I have repeatedly told you, that words imperfectly heard, and partially related, cannot be so reconciled. But this I will say, that he must be a *ruffian*, and not a lawyer, who would dare to tell an English jury that such ambiguous words, hemmed closely in between others not only innocent, but meritorious, are to be adopted to constitute guilt, by rejecting both introduction and sequel, with which they are absolutely irreconcilable and inconsistent. For if ambiguous words, when coupled with actions, decypher the mind of the actor, so as to establish the presumption of guilt, will not such as are plainly innocent and unambiguous go as far to repel such presumption?

Is innocence more difficult of proof than the most malignant wickedness? Gentlemen, I see that your minds revolt at such shocking propositions. I beseech you to forgive me; I am afraid that my zeal for my client has led me to offer observations which I ought in justice to have believed, that every honest mind would feel the truth of with pain and abhorrence, without being pointed out.

The next witness is Mr. Cator, who made a very long preface to his evidence, and afterwards said nothing material. He only heard Lord George ask the people in the lobby, whether they wished to be in the same state that they were in Scotland, to which they answered, Yes! yes! Gentlemen, there was no doubt about his or their wishes; the only question is, whether these wishes were to be criminally accomplished; and concerning that, Mr. Cator is totally silent, and therefore, I shall dismiss him.

Thus far then I may venture to say, that there is nothing in the evidence of the Crown of that hostile terror or force, employed against the legislature of this country, so as to meet the principle which I stated to you in the beginning, and which I once again, in the hearing of the judges, assert, without fear of contradiction, to be the rule of your decisions. The managers of the prosecution must have thought so likewise, when they called in the door-keeper to make their case more compleat; and how has he compleated it? Only by casting fresh doubts on the truth of all the evidence that went before, and by helping to clear up the ambiguous parts of it; for Mr. Joseph Pearson, whose duty obliged him to be continually present on the very spot where this scene is related to have passed, heard nothing at all of what is spoken to by the rest; he speaks of it as a common mob, says, they made a great noise, but that no one act of violence was done or threatened by any of them; that Lord George came repeatedly out of the House, and on seeing the passage to it obstructed, put out his hand to clear it, saying, "Your cause is good, and you have nothing to fear; pray be quiet, and make room for the Members." Here ends the history of the lobby; and here my reprehension of the prosecution begins. For certainly, whatever arguments of constructive treason they might be disposed to adduce from the circumstances of surrounding the House of Commons with numbers, no part of the evidence entitled them in law, much less in charity, or good conscience, to bring into your view all the burnings which disfigured London, and to hold up the prisoner as the wicked author of them all. Why fill the Court with justices and constables, to tell us that Newgate and the Fleet were demolished? An Italian Philosopher has observed, that no man desires to hear what he has already seen; and nothing but the cautious rule of not admitting any thing in a criminal case, prevented us from saving your time, by an admission of what we can have no interest in denying. Such scenes may affect your passions, but how can they influence your judgement? When the Attorney-General himself, in opening the prosecution, absolutely destroyed the whole force and conclusion of all that he has since so wantonly introduced, by telling you, that the authors of these mischiefs had greater objects than the repeal of a Popish law; and that it was a deep-laid plot against the very being of the Government. Be it so, Gentlemen, I am content to agree with him. For how does such a conspiracy come home to us? Is it not plain, that the consciousness of having proved too little, has betrayed them into the absurdity of proving too much; since, in extending the imputation of guilt beyond the imputed motive, they entirely destroy the very presumption which they were labouring, without foundation, to create.

Can any man living, for instance, believe that Lord George Gordon was assenting to the destruction of the house of that great and venerable magistrate, who has presided so long in this high tribunal, that the eldest of us do not remember him in any other form than the awful form and figure of justice? A magistrate who had always been the friend of the Protestant Dissenters, against the ill-timed jealousies of establishment; his countryman too; and without adverting to the partiality, not unjustly imputed to men of that country; a man of whom any country

might be proud. It is not credible, that any person of noble birth, and liberal education, unless agitated by the most implacable resentment, could consent to the destruction of the house of Lord Mansfield. I thank them, therefore, for reminding you, the mischiefs were of such a kind as could not be the work or design of the Protestants.

Gentlemen, I now come more minutely to the evidence on the part of the prisoner.

I before told you, that it was not till November, 1779, when the Protestant Association was already fully established. That Lord George Gordon was elected President, by the unanimous voice of the whole body, unlooked for, and unsolicited; and it is surely not an immaterial circumstance, that at the very first meeting where his Lordship presided, a dutiful and respectful Petition, the same which was afterwards presented to Parliament, was read and approved of; a Petition so far from containing any thing threatening or offensive, conveys *not a very oblique reflexion* upon the behaviour of the people in Scotland, taking notice, that as England and that country were now one, and as official assurances had been given that the law should not pass there, they hoped the *peaceable and constitutional deportment of the English* Protestants would entitle them to the approbation of Parliament.

It appears by the evidence of Mr. Erasmus Middleton, a very respectable clergyman, and one of the Committee of the Association, that a meeting had been held on the fourth of May, at which Lord George was not present. That at that meeting, a motion had been made for going up with the Petition in a body, but which not being regularly put from the Chair, no resolution was come to upon it; and that it was likewise agreed on, but in the same irregular manner, that there should be no other public meeting previous to the presenting the Petition. That this last resolution gave great discontent, and that Lord George was applied to by a large and respectable number of the Association to call another, to consider of the most prudent and respectful method of presenting their Petition; but that before he complied with their request, he consulted with the Committee on the propriety of complying, who all agreeing to it, except the Secretary, his Lordship advertised the meeting; which was afterwards held on the twenty-ninth of May. The original difference between my noble friend and the Committee, as to the expediency of the measure, is totally immaterial; since Mr. Middleton, who was one of the number who differed with him on that subject, and whose evidence is therefore infinitely more to be relied on, told you, that his whole deportment was so clear and unequivocal, as entitled him to assure you, on his most solemn oath, that he in his conscience believes that his views were perfectly constitutional and pure. That he attended all the previous meetings of the society, from the day he became President, to the day in question; and that knowing they were objects of much jealousy and malice, he had watched his behaviour with anxiety, lest his zeal should furnish matter for misrepresentation; but that he never heard an expression escape him, which marked a disposition to violate the duty and subordination of a subject, or which could lead any man to believe that his objects were different from the avowed and legal objects of the Association.

Gentlemen, we could have examined thousands to the same fact, for as I told you when I began to speak, I was obliged to leave my place to disincumber myself from their names; and now, Gentlemen, that I come to remind you of Mr. Middleton's evidence, as to the 29th of May, you will see how dangerous and unjust it is for men, however perfect their memories, or however great their veracity, to come into a criminal court, retailing scraps of sentences which they have heard, by thrusting themselves from curiosity into places where their business did not lead them, ignorant of the views and tempers of both speakers and hearers, hearing only a part, and perhaps innocently misrepresenting that part, from not having heard the whole.

The witnesses for the Crown all tell you, that Lord George said he would not go up with the petition, unless he was attended by 20,000 people who had signed it, and here they think proper to stop, as if he had nothing further, leaving you to say to yourselves, what possible purpose could he have in assembling such a multitude on the very day the House was to receive the petition? Why should he urge it when the committee had before thought it very inexpedient? and why should he refuse to present it, unless he was so attended?—Hear what Mr. Middleton says, he tells you, that my noble friend informed the petitioners, that if it was decided, they were not to attend to consider how the petition should be presented, he would with the greatest pleasure go up with it alone, but that if it was resolved that the petitioners should attend in person, he expected 20,000 at the least would meet in St. George's-fields, for that otherwise the petition would be considered as a forgery.

That it had been often thrown out in the House, and elsewhere that the repeal of the bill was not the serious wish of the people at large; that the petition was a list of names in Parchment,

and not of men in sentiment; that the same objections had been made to many other petitions, and assigned as the cause of their rejection, and that he was therefore anxious to shew Parliament what and how many were actually interested in its success, which he thought, and reasonably thought, would be a strong inducement to the House to listen to it: therefore, says he, I wish them to see who and what you are, dress yourselves in your best cloaths, which Mr. Hay, who, I suppose had been reading the indictment, thought it would be better to say, array themselves. He desired that not a stick should be seen among them, that if any man insulted another, or was guilty of any breach of the peace, he was to be given up to the magistrate. Mr. Attorney General, to persuade you that this was all colour and deceit, says, how was a magistrate to face forty thousand men? How were offenders in such a multitude to be amenable to the civil power? Why, what a shameful perversion of a plain and peaceable purpose? To be sure, if the multitude had been assembled to resist the magistrate, offenders could not be secured, but they themselves were ordered to apprehend all offenders amongst them, and to deliver them up to justice; they themselves were to surrender their fellows to civil authority, if they offended; but it seems that Lord George ought to have foreseen that so great a multitude could not be collected without mischief. Gentlemen, we are not trying whether he might or ought to have foreseen mischief, but whether he wickedly and traitorously preconcerted and designed it, but if there be an object of censure for not foreseeing it, what shall we say to that government that took no step to prevent it, that issued no proclamation, warning the people of the danger and illegality of such an assembly? If a peaceable multitude with a petition in their hands be an army, and if the noise and confusion inseparable from numbers, though without violence or the purpose of violence, constitutes war, what shall be said of that government which remained from Tuesday to Friday?—knowing that an army was collecting to levy war by public advertisement, yet had not a single soldier, no, not a constable to protect the state.

Gentlemen, I come forth to do that for Government which its own servant the Attorney General has not done, I come forth to rescue it from the infamy with which such a conduct would justly load it, if the language its Advocate has held this day was to be believed; but Government has an unanswerable defence, it neither did, nor could possibly enter into the head of any man in authority, to prophecy; human wisdom could not divine that wicked and desperate men, taking advantage of the occasion, which perhaps an important zeal for religion had produced, would dishonour the cause of all religions by the disgraceful acts that followed.

Why then is it to be said that Lord George Gordon is a traitor, who without proof of any hostile purpose to the Government of his country, only did not foresee that which nobody else foresaw, which those people whose business it is to foresee every danger that threatens the state, and to avert it by the interference of the magistracy, though they could not but read the advertisement, neither did, nor could possibly apprehend. How are these observations attempted to be answered? Only by asserting without evidence, or even reasonable argument, that all this was colour and deceit. Gentlemen, I again say, that it is scandalous and reproachful, and not to be justified by any one duty that can possibly belong to an Advocate at the bar in an English Court of Justice in a case of blood, to declaim without any proof, or attempt of proof, that all a man's expressions, however peaceable, however quiet, however constitutional, however legal, are all fraud and villainy.—Look, Gentlemen, to the issues of life which I before called the evidence of Heaven. I call them so still, and I may truly call them so, when out of a book compiled by the Crown from the petition in the House of Commons, and containing the names of all who signed it, and which they printed, in order to prevent any of that number from being summoned upon the Jury to try this indictment; not one criminal or even suspected name is to be found. After this, Gentlemen, I think they ought to have been silent. I see the effect it has on you, and I know I am warranted in my assertion; if I am not, why did not they produce the record of some conversation, and compare it with the list? I thank them for the precious present, which though they did not produce, they cannot stand up and deny.

Solomon says, "Oh! that mine adversary would write a book," so say I. Mine adversary has written a book, and out of it I am entitled to say, I cannot hear it again decently asserted that Lord George Gordon in exhorting that innocent and unimpeached multitude to be peaceable and quiet, was practising deceit. What is the evidence then on which this connection with the mob is to be proved? Only that they had blue cockades. Am I answerable for every man that wears a blue cockade? If a man commits murder in my livery without my command, council, or consent, is the murder mine? In all cumulative constructive treasons you are to judge from the tenor of a man's behaviour, not from crooked and disjointed parts of it. *Nemo repente est turpissimus.*

No man can possibly be guilty of this crime by a sudden impulse of the mind, and certainly Lord George Gordon stands upon the evidence at Coach-maker's-hall as pure and white as snow; he stands upon the evidence of a man who had differed with him as to the expediency of his conduct, yet, who swears, that from the time he took the chair till the time which is the subject of enquiry, there was no blame in him; you, therefore, are bound, as Christian men to believe, that when he came to St. George's-fields that morning, he did not come there with the hostile purpose of repealing a law by rebellion; but it seems all this was colour and deceit. Let us see therefore whether this body of men when assembled, answered the description of that which I have stated to be the purpose of him who assembled them. Were they a multitude arrayed for terror or force? On the contrary, you have heard upon the evidence of men whose veracity is not to be impeached, that they were sober, decent, quiet and peaceable tradesmen; that they were all of the better sort; all well dressed, and well behaved; and that there was not a man among them had any one weapon offensive and defensive. Sir Philip Jennings Clerke tells you he went into the fields, that he drove through them, talked to many individuals among them, who all told him that it was not their wish to persecute the Papists, but that they were alarmed at the progress of their religion from their schools. Sir Philip farther told you, that he never saw a more peaceable multitude in his life; and it appears upon the oaths of all who were present, that Lord George went round among them, desiring peace and quiet. Mark his conduct, when he heard from Mr. Evans that there was a low riotous set of people assembled in Palace-yard; Mr. Evans being a member of the Protestant Association, and being desirous that nothing bad might happen from the assembly, went in his carriage, with Mr. Spinnage, to St. George's-fields, who confirms his evidence, to inform Lord George that there were such people assembled (probably Papist) who were determined to do mischief; the moment he told Lord George what he had heard, whatever his original plan might have been, he instantly changed it on seeing the impropriety of it. Do you intend, said Mr. Evans, to carry up all those men with the petition to the House of Commons? "Oh! No! No! not by any means, I do not mean to carry them all up." Will you give me leave, says Mr. Evans, to go round to the different divisions and tell the people it is not your Lordship's purpose? He answered, by all means. And Mr. Evans accordingly went, but it was impossible to guide such a number of people, though perfectly peaceable: they were all desirous to go; and he was at last obliged to leave the fields, exhausted with heat and fatigue, beseeching them to be peaceable and quiet. Mr. Whittingham set him down at the House of Commons; and at the very time that he left them in the fields in perfect harmony and good order, it appears by the evidence of Sir Philip Jennings Clerke that Palace-yard was in an uproar, filled with mischievous boys, and the lowest dregs of the people. Gentlemen, I have all along told you that the Crown was aware that it had no case of treason without connecting the noble prisoner with consequences which it was in some luck to find advocates to state, without proof to support it. I can only speak for myself, that small as my chance is, as times go, of ever arriving at that high office, I would not accept of it on the terms of being obliged to produce as evidence of guilt against a fellow citizen that which I have been witness to this day; for Mr. Attorney-General perfectly well knew the innocent and laudable motive with which the protection was given, yet it was produced to insinuate that Lord George Gordon, knowing himself to be the ruler of those villains, set himself up as a saviour from their fury. We called Lord Stormont to explain this matter to you; he told you that Lord George Gordon came to Buckingham house, and begged to see the King, saying he might be of great use in quelling the riots. Can there be on earth a greater proof of conscious innocence? For if he had been the wicked mover of them, would he have gone to the King to have confessed it, by offering to recall his followers from the mischiefs he had provoked? No: but since, notwithstanding a public protest issued by himself and the Association, reviling the authors of these mischiefs, the Protestant cause was still made the pretext. He thought his public exertions might be useful, as it might tend to remove the prejudices which wicked men had diffused; the King thought so likewise, and therefore, as appears by Lord Stormont, refused to see Lord George till he had given the test of his loyalty by such exertions. Sure I am our gracious Sovereign meant no trap for innocence, nor ever recommended it as such to his servants. Lord George's language was simply this, "the multitude pretend to be perpetrating these acts under the authority of the Protestant petition, I assure your Majesty they are not the Protestant Association, and I shall be glad to be of any service in suppressing them." I say, *by God, that man is a ruffian who shall after this presume to build upon such honest, artless conduct, as an evidence of guilt.*

But Gentlemen, if Lord George Gordon had been guilty of high treason (as is assumed to day) in the face of the whole Par-

liament, how are all its Members to defend themselves from the misprision of suffering such a man to go at large, and to approach his sovereign. The man that conceals the perpetration of treason is himself a traitor. But they are all perfectly safe; for nobody thought of treason till fears, arising from another quarter, bewildered their senses. The King, therefore, and his servants very wisely accepted his promise of assistance, and he flew with anxious zeal to fulfil it. Sir Philip Jennings Clerke tells you that he made use of every expression that it was possible for a man in such circumstances to do; he begged them for God's sake to disperse and go home, and hoped the petition would be granted, but that riots was not the way to effect it. Sir Philip said he felt himself bound, without being particularly asked, to say every thing he could in protection of an injured and innocent man; and he repeated again, that there was not an act he could possibly make use of that he did not zealously employ, but it was all in vain. *I began*, says he, *to tremble for myself*, for Lord George Gordon read the resolution of the House, which was hostile to them, and said their petitions would not be taken into consideration till they were quiet. *But did he say, therefore, go on to burn and destroy?* On the contrary, he helped to pen that motion, and read it to the multitude as one which he himself had approved. After this he went into the coach with Sheriff Pugh, in the city, and there it was that he publicly signed that protection which has been read in evidence against him; although Mr. Fisher, who now stands in my presence, and who has repeatedly told me that he knew Lord George Gordon to be innocent as the child unborn, confessed in the Privy Council, to the managers of this prosecution, that he himself had granted similar protections to various people, yet was dismissed as having done nothing but his duty.

Gentlemen, this is the plain and simple truth, and for this just obedience to his Majesty's request, do the King's servants come to-day into this Court, where the King is supposed in person to sit, to turn that obedience into the crime of high treason, and to ask you to put him to death for it.

Gentlemen, you have now heard, upon the solemn oaths of honest disinterested men, a faithful history of the conduct of Lord George Gordon, from the day that he became a member of the Protestant Association, to the day that he was committed a prisoner to the Tower. And I have no doubt, from the attention with which I have been honoured from the beginning, that you have still kept in your minds the principles to which I entreated you would apply it, and that you have measured it all by that standard.

You have therefore only to look back to the whole of it together; to reflect on all you have heard concerning him; to trace him in your recollection, through every part of the transaction, and, considering it all with one manly liberal view, to ask your own honest hearts, whether you can say that the noble and unfortunate youth is a wicked and deliberate traitor, who deserves by your verdict to suffer a shameful and ignominious death.

The crime that the Crown would have fixed upon him is, That he assembled the Protestant Association round the House of Commons, not merely to influence and persuade Parliament, by the earnestness of their supplications, but actually to coerce it, by hostile rebellious force. That finding himself disappointed in the success of that coercion, he incited his followers to abolish the legal indulgences to Papists, which the object of the Petition was to repeal, by the burning of their houses of worship, and the destruction of their property, which ended at last in a general attack on the property of all orders of men, religious and civil, on the public treasures of the nation, and on the very being of the government.

To support a charge of so atrocious and unnatural a complexion, the laws of the most arbitrary nations would require the most incontrovertible proof. Either the villain must have been taken in the overt act of wickedness, or, if he worked in secret upon others, his guilt must have been brought out by the consistent tenor of his conduct, or by the discovery of some plot or conspiracy. The worst inquisitor that ever dealt in blood would vindicate the torture at least by plausibility, and the semblance of truth.

What evidence then will a jury of Englishmen expect from the servants of the Crown of England, before they deliver up a brother accused before them to ignominy and death? What proof will their consciences require? What will their plain and manly understandings accept of? What does the immemorial custom of their fathers, and the written law of this land, warrant them in demanding? Nothing less, in any case of blood, than the clearest and most unequivocal proof; but in this case, the act has not even trusted to the humanity and justice of our general law, but has said, in plain, rough, expressive terms, *proveably*. That is, says Lord Coke, *not upon conjectural presumptions or inferences, or strains of wit, but upon direct and plain truth*. For the King, Lords

and Commons, continues that great lawyer, did not use the word probably, for then a common argument might have served, but proveably, which signifies the highest force of demonstration. And what evidence, Gentlemen of the Jury, has the Crown given to you, in compliance with these sound and sacred doctrines of justice? A few broken, interrupted, disjointed words, without context, or connection, uttered by the speaker in agitation and heat, and heard by those who relate them to you in the midst of tumult and confusion; and even those words, mutilated as they are, in direct opposition to and inconsistent with repeated and earnest declarations, delivered at the very same time, and on the very same occasion, related to you by a much greater number of persons, and absolutely incompatible with the whole tenor of his conduct, proved to you by the most credible witnesses, whom we only ceased calling, because human life would have been too short to hear the remainder.

What can be added to such observations, which, even if they were less clear, carry their own explanation in every one of your minds?

Which of us all, Gentlemen, would be safe standing at the bar of God, or man, if we were to be judged, not by the regular current of our lives and conversation, *but by detached and unguarded expressions*, picked out by malice, and recorded without context or circumstances against us; though directly inconsistent with other expressions delivered at the same time, and on the same subject, and though repugnant to the whole tenor of our deportment and behaviour?—Yet, such is the only evidence, on which the Crown asks you to dip your hands, and to stain your consciences, in the innocent blood of the noble and unfortunate youth who stands before you, on the single evidence of the words which you have heard from their witnesses, (*for what but words have you heard?*) which even if they had stood uncontroverted by the people, with which we have swallowed them up, or unexplained by circumstances which destroy all their malignity, could not amount in law, at the very worst, to more than a breach of the act against tumultuous petitioning,—if indeed such an act still exists. Since the worst malice of his enemies have not been able to bring out a single witness to say that he ever directed, countenanced, or approved rebellious force against the proceedings of Parliament, yet without which evidence it is impossible to make a case of treason, by the most strained and romantic construction.

It is astonishing to one that men can keep the natural colour in their cheeks, when they ask for blood in such a case, even if the prisoner had made no defence.

But will they still continue to ask for it after what they have heard? I will just remind the Solicitor General before he begins his reply, what matter he has to encounter with by a short recapitulation.

That the going up in a body was not originated by Lord George, but by others in his absence; that when proposed by him, it was unanimously adopted by the whole association, and consequently their act as much as his; adopted not in a conclave but with open doors, and the resolution published to all the world; known to the ministers and magistrates of this country, who did not even signify to him, or any body else, that it was dangerous or illegal; that decency and peace were enjoined and commanded; and that every regularity, and those badges of distinction, now turned into the charge of a hostile wrong against him, expressly and publicly directed for the preservation of peace, and the prevention of tumult, to secure which, there was not even a walking stick to be seen among them, and their demeanor perfectly peaceable, till it was apparently disgraced by the act of a villainous banditti, which has been separated from the Protestant Association by the most incontrovertible proof; and which, even if not so separated, could not have affected Lord George, but by bringing home their conduct to him.

While the House was deliberating, he repeatedly entreated them to behave with decency and peace, and to retire to their houses, but he knew not that he was speaking to the enemies of his cause; when they at last dispersed, no man thought or imagined that treason had been committed; and his Lordship was carried home by Sir James Lowther, a man of the highest fortune and character in the county, who has told you on his oath, that when his coach was surrounded, he told them to be peaceable and quiet, and to go to their different homes; that he himself went home to bed, where he lay unconscious that ruffians were ruining him by their disorders in the night. On Monday he published an advertisement, reviling the authors of these riots, and as the Protestant cause had been wickedly made the pretext for them, enjoining all who wished well to it to behave like good citizens; nor has the Crown even attempted to prove that he had either given, or that he afterwards gave, secret instructions in opposition to that public admonition.

He afterwards begged an audience to receive the King's commands; he waited on the Minister; he attended his duty in

Parliament, and when the multitude, amongst whom there was not a man of the associated Protestants, again assembled on the Tuesday, under pretence of the Protestant cause, he offered his services, and read a resolution of the House to them, accompanied with every expostulation, which a zeal for peace could possibly inspire; and, because he was speaking to rustians and Papists, and not to the authors of the petition, and who therefore would not obey, is that to be imputed to him?

He afterwards, agreeable to the King's directions, attended the magistrates in their duty, honestly and honourably exerting all his powers to quell the fury of the multitude; a conduct which, to the dishonour of the Crown, has been cruelly turned against him, and protections which he granted publicly in the coach of the Sheriff of London, when he was assisting him in his office of magistracy are produced in evidence against him, although protections of a similar nature were, to the knowledge of the whole Privy Council, granted by Mr. Fisher himself, who now stands in my presence unreprieved, who, if the Crown that summoned him, durst have called him, would have explained them so as to remove every imputation of guilt? What then has produced this trial for High Treason, or given it when produced the seriousness and solemnity it wears? What but the inversion of all justice, by judging from consequences instead of from causes and designs? What has given it when produced the seriousness and solemnity it has now, but the artful manner in which the Crown has endeavoured to blend the petitioning in a body, and the zeal with which an animated disposition conducted it, with the melancholy crimes that followed?—Crimes which the shameful indolence of our magistrates, which the total extinction of all police suffered to be committed in broad day, in the delirium of drunkenness, and by an unarmed banditti, without a head, without plan or object, and without a refuge from the instant gripe of justice; a banditti with whom the associated Protestants and their President had no manner of connection, and whose cause they overturned, dishonoured, and ruined.

How unchristian then is it to attempt, without evidence, to infect your imaginations, who are upon your oaths dispassionately and disinterestedly to try the offence of assembling a multitude with a petition to repeal a law, which has so often happened in all our memories, by connecting it with all the future catastrophe in which every man's mind may be supposed to retain some degree of irritation—O fie! O fie! it is taking the advantage of all the infirmities of nature; they wish you, while you are listening to the evidence, to connect it with consequences, in spite of reason and truth, in order to hang the mill-stone of prejudice round his innocent neck, and sink him. Gentlemen, I do not believe they can seriously wish you to do so;—if there be such men, may God forgive them, and inspire you with fortitude and wisdom to do your duty to your fellow-citizens, with calm, steady, reflecting minds.

END OF THE PRISONER'S DEFENCE.

Gentlemen, I have no manner of doubt that you will—I am sure you cannot but see, notwithstanding my great inability, encreased by a perturbation of mind, arising, thank God, from no dishonest cause, that there has been not only no evidence on the part of the Crown, to fix the guilt of the late commotions upon him, but, on the contrary, we have been able to resist the probability, I might almost say the possibility of the charge, not only by living witnesses, whom we only ceased to call because the trial would never have ended, but by the evidence of that blood that has paid the forfeit of that guilt already; an evidence that I will take upon me to say is the strongest and most unanswerable that the combination of natural events ever brought together for the shield of a guiltless man: That in the trial of all that black catalogue which expired on the gibbets, though conducted by the ablest servants of the Crown, with an eye, and with a laudable eye, to the investigation of the causes of the subject of to day, no one fact appeared which shewed any plan, any object, any leader; That out of forty-four thousand persons who signed the petition of the Protestants, not one, out of all that number, was to be found among those who were convicted, tried, or even apprehended on suspicion; and that out of all the felons who were let loose from prisons, and who assisted in the destruction and plunder of our property, not a single wretch was to be found who could even attempt to save his own life by the plausible promise of giving evidence on the present occasion. Gentlemen, what can overturn such a proof as this? Truly, a good man might, without superstition, believe that such an union of events was something more than the natural issues of life, and that the Providence of God was watchful for the protection of innocence and truth. I may now, therefore relieve you from the pain of hearing me any longer, and be myself relieved from the pain of speaking on a subject which agitates and distresses me. Since Lord George Gordon stands clear of every hostile act or purpose against the legislature of his country, or the properties of his fellow subjects, since the whole tenor of his conduct repels the belief of the traitorous purpose charged by the indictment, my task is finished: I shall make no address to your passions; I will not remind you of the long and rigorous imprisonment he has suffered; I will not speak to you of his great youth, of his illustrious birth, and of his uniformly animated and generous zeal in Parliament, in the constitution of his country. Such topics might be useful in the balance of a doubtful case; yet, even then, I should have trusted to the generous hearts of Englishmen, to have felt them without excitation. At present, the plain and rigid rules of justice are sufficient to entitle me to your verdict. And may God Almighty, who is the sacred author of both, fill your minds with the deepest impressions of both, and with virtue to follow those impressions. You will then restore my innocent client to liberty, and me to that peace of mind, which, since the protection of that innocence in any part depended on me, I have never known.

Mr. SOLICITOR GENERAL.

May it please your Lordship, and you Gentlemen of the Jury,

It is now my duty, and a very painful one indeed it is, (exclusive of the circumstance of the very long time we have here been employed, and the fatigue, I am very sensible, you have undergone); to be obliged to observe to you what occurs to me upon the effect of the evidence that has been given against the prisoner. I am perfectly convinced, if I was not now so much exhausted as to be equal to very feeble efforts indeed, it would be entirely out of my power to do justice to the present case. Many, I am satisfied, of those who hear me, and who have paid attention to the evidence, could perceive I was guilty of many omissions; that I suffered a variety of circumstances to pass unnoticed, material to be attended to in the decision of the case. I am also apprehensive, but I cannot say with much concern, though to others I may appear, even with these defects, too strenuous perhaps in drawing inferences from the facts which have been proved in the case, to the prejudice of the prisoner, that I may urge arguments beyond their natural force, and with you to lay stress upon proofs that ought not to carry much force with them: And indeed if I was to believe, or if any man could believe, what has been very lately and frequently boldly and hardily asserted, I might be afraid of sharing in that censure and blame, which, in a manner perfectly new in an English Court of Judicature, has been cast upon my learned friend, as the author of this prosecution, who sits near me; upon the witnesses that have appeared in the cause; and upon all that have had any thing to do with it. And if the word of a gentleman, who has boldly, adventurously, and licentiously inveighed against every man who has had any thing to do in the conduct of this cause, is to be taken against evidence, to be taken against reason, and to be taken against law, I should have indeed a very terrible task to undergo. I must fear very much for my reputation, for the imputation of persecution, and the cruelty of an attempt to support an unjust and groundless prosecution, supported by shameful and ignominious evidence. For this is the result of frequent assertions, made with a boldness perfectly new to me in my short experience in an English Court of Judicature; but which, however, makes no impression upon me. I have endeavoured to guard myself against it, for this just and important reason: If I suffered myself to be transported by any thing like resentment of the wrong I think I had a right to complain of upon the part of the advocate employed, I might perhaps incur the censure of severity, and acrimony, against the prisoner. God knows, I am a perfect stranger to any such thing, and I hope I ever shall be: but greater provocation by a Counsel for a prisoner was never given to Advocates for a prosecution, I might almost say, to the justice of my country. And thus much I cannot help observing, That I am so far from feeling that the invectives, the censure, and, give me leave to call it, the calumny and slander that have been so freely spread, and so often repeated, had the smallest ground; that I am free to confess, I should have thought, if I had stood in the place of my learned friend, when he commenced this prosecution, I should have thought myself extremely culpable, and answerable to the justice of the country for great neglect, if I had omitted to bring the prisoner to trial. I mean not, therefore, to insinuate he is guilty because he is tried; but I think, all who hear me will agree with me, when I say, That if, in the ultimate result, it happens your verdict is in his favour, it has such strong appearances.—I say, Gentlemen, I think, every man will agree with me, when I assert, at least, there have appeared such strong symptoms against the prisoner, that any persons acquainted with them, would have thought it the duty of those intrusted with the prosecuting, under the power of the crown, to bring the prisoner to this tribunal. Let me again assert, that whatever has been said acrimonious toward my friend or me, as I am included in the accusation, I forget it from this moment; it shall make no impression upon me. It shall not, and it will not incense or sharpen my temper against the noble prisoner. It shall not, on the other hand, deter me from doing that which I think it my duty to do. The learned Gentleman at the bar shall tell me ten times to my teeth, I am a *russian*; I shall not think so, because he says it, nor shall any such abuse deter me, as an English advocate, from prosecuting. At least, I will venture to say, whether he be guilty of the crime charged or not, the unfortunate effects of his conduct has been as pernicious to this country as any it ever felt. Gentlemen, I hardly know, amidst the various matter with which this cause is pregnant, and which calls for your observation, where first to direct your attention.

Before I go into the particulars of the facts, I have to observe upon something having been said upon some particular topics; it is fit I should remark to you upon them, which have been introduced into this cause. This doctrine upon the freedom of

petitions to Parliament, and upon the multitudes that may with impunity attend them. It seems to be, by both my learned friends, insisted any number of men may go with petitions to Parliament; and they tell you the Act of Parliament that goes to restrain that number to ten, has been repealed by a Bill made in King William's time, called the Bill of Rights. In my apprehension, there is no ground for any supposition of that sort, though, if there is, it has no relation to the cause you are trying. The statute of Charles the Second was made after the Restoration, when popular tumults were fresh in the minds of men, and from the recollection of those tumults, they restrained the number of men, who under that pretence should prefer petitions to Parliament, to ten, and that under pecuniary penalties. After the Revolution 1688, there was a declaration of the rights of Englishmen: One thing that is declared is, that the subjects have a right to petition the King; not to petition the Parliament; for the right to petition the Parliament no man had ever doubted. But that very Act recites, as one of the acts of tyranny practised by James the Second, "That several prelates had been prosecuted for a petition;" and as applied to that grievance, there afterwards comes a declaration to the rights of the people, that they may petition the King. As to the right of presenting petitions to Parliament, which no mortal could ever doubt, it remained as it was before that declaration of rights, and cannot possibly be affected by it. But farther, if it had been said expressly by the declaration of rights, that subjects had a right to petition the King or Parliament, would it have followed, that the Act of Charles the Second, which supposes such a right, and only regulates the exercise of it, was in any respect repealed? The statute of Charles II. which says, more than the number of ten should never go with a petition either to the King or Parliament, necessarily supposes that, previous to that act, there was no limitation of number, when the subjects had a right to offer up their petitions either to the Parliament or King. But to prevent abuses of that right, it limits the number of people, that at any time should accompany that petition to Parliament or the Throne. It seems to be strange and absurd reasoning, to suppose this act, as regulating the right of petitioning, could possibly be repealed by a subsequent law, which only declares, in general, the people of this kingdom have a right to petition the King. But, in God's name, what has that act to do with the present question? Was it the law before the time of Charles the Second, when the number of petitioners were restrained to ten, that any number might carry a petition, and that any number might carry that petition with any circumstances? In short, that they might take the Prince upon his throne prisoner, and put him in perils, or surround the Parliament, and besiege it till the petition was granted? Can this be admitted?—It cannot. For it is utterly inconsistent with all government, and men might be guilty of riot in petitioning before that act, and answerable for the commission of such a crime. Neither can it be possibly inferred from that act, because it is to punish petitioners, let the petitioners be ever so peaceable, if they go up with above the number of ten. If they are guilty of the greatest outrages, they are still only punishable according to that act, and not to be called upon by the justice of the country for the most violent riots, terrors, or actual force, or any circumstances of outrage men may be guilty of, in order to enforce a petition carried up by a multitude of people! No man can possibly believe it. A great deal has been said to you upon the subject of the law of Treason; and my learned friend was complained of, because he did not employ a great length of time in explaining to you the doctrine of Treason, upon which this prosecution is founded. He is not at liberty to make an excuse for himself, and, therefore, he will pardon me if I make one for him; and that as he is not accustomed improperly and uselessly to waste and mispend his time, either to make a parade of his learning, or to show a foolish diligence, that he has been guilty of collecting from books, positions upon the law of Treason, of which no mortal man can entertain a doubt. For you will observe even now, in the stage of this cause, in which we are, neither the learned Gentleman whom we have heard open the defence of the prisoner, nor the learned Gentleman we have heard last—neither of them made a doubt of that which was described by my learned friend, as immediately the act of levying war; that is to say, an insurrection of the people, of the multitude, by force, either to redress a pretended public grievance, to repeal a law, to change religion; or, in short, to effect any purpose contrary to law, (in which the subjects of the kingdom at large are interested), by force, and which consequently must naturally produce force in opposition to it. It does beget a state of war.—I don't mean to make use of technical language to you, because I am so happy as to explain what I mean by plain language. You will understand me much better than you would, if I were to resort to law positions, and make use of legal technical artificial phrases. Will any man deny this act is treason? As to this doctrine

doctrine, any man who has been one year in the Inns of Court, or looked into the books that relate to criminal law, cannot be a stranger to this position. The 25th of Edward the Third, is the statute you have heard of long ago. Did that make it the law of England? It was the law of the land from the earliest times, long before any written records were known. We know it was the common law of the land, and must be the law of every country; for without it, no country can exist, nor any order be preserved; and no government be upheld, if a multitude of people may raise with force, and take the executive power in their hands, to redress general grievances. If they may assume the legislative power, and say we are the Sovereigns of this country; you, the King, in whom the legislature has vested the laws, shall have the power no longer, and no power shall be made use of that you have. If that is permitted, no government can subsist; and wherever there is an insurrection by force to repeal a law, (I mention that as the instance to which we are now particularly applying) no man ever yet hesitated boldly to pronounce, that was High Treason, because it is levying war. You will see, it cannot be otherwise, if a multitude of people thus endeavour to enforce their lawless pretensions in opposition to the established government, what must be the case? The law is at an end till they are quelled: if they are yielded to, they are the Legislators, the Sovereigns of the country; the government exists no longer: if they are opposed, a state of force and war takes place, in which he that is the stronger must prevail. Courts of justice must be at an end; such litigations cannot there be determined: It must be terminated by the sword. All this is obvious to the meanest capacity, whoever reflects upon it a moment. And this is the plain, simple, and intelligible doctrine, upon which the cases were determined, with which I shall not trouble you. The case of Damaree was mentioned to you, and many others were determined upon it; upon which I shall only say, supposing the guilt of the noble Lord is made to appear; suppose he is affected by what has been done from the crimes of others; it has been determined in the case of Damaree, and many others, that to destroy some Meeting houses was levying war. Two men in the case of Damaree were convicted of levying war. One of whom, called to the mob to follow him, and another was present when the mob took some goods, and was encouraging them, and huzzaing; two meeting-houses were destroyed, but that was nothing to what we have had destroyed, seen, and experienced. It is not that case alone, but there are cases without end to prove it: And indeed, if there had been none, no mortal man can doubt, but those that engage in such a transaction levy war against the state; because they set themselves against the government by force, they can only be resisted by force; that is, a state of war. I know no true account of it but a state of war, in which subjects are engaged upon different sides, with force against each other;—that only can decide the question. Those who attempt, as in the present instance, to repeal the law, supposing that proved, what do they say? They tell the King, who has the executive power, whose first, greatest, and most important duty it is to convene, keep together, and protect his Parliament in deliberation. That he shall not exercise his power; to him they offer the same violence, by telling him, He, as part of the Parliament sitting in judgment, shall not exercise that right of the legislative power; and to the Parliament itself they say, Although the constitution of the country has made you their legislature, we will take the power out of your hands; you shall not be the legislature any longer. It is not you that shall enact, it is not you that shall repeal, we will do it; we who are—what? who are, and must be, and can be nothing else but traitors to our country, and rebels against the State. I hope I do not, I am sure I mean not to strain the doctrine of Treason one inch, or any smaller space. The predecessors of the learned Judges have long ago, upon the soundest principles, decided, and as little will I attempt to aggravate the guilt of the prisoner at the bar, or to strain the evidence that has been produced against him. The question that you have to decide on, upon the noble Lord, will be, as it seems to me, whether he has been guilty of levying war in this way; that is, whether he has been a partaker of, a promoter of, or an inciter of, an insurrection against the government of this country, to repeal by force the law, that you have heard of, if there has been an insurrection to repeal the law, which you have heard of. If the prisoner at the bar is in the judgment of the law one of the insurgents, he has then been guilty of levying war against the State; and, as his Lordship and the other learned Judges will tell you, it is not necessary he should do the mischief which was done, with his own hand. The General of an army seldom puts to death one of the enemy with his own hand; he fires not the musquet; he seldom points the sword. The actual immediate mischief is done by the soldiers whom he directs and commands; and, if there has been such an insurrection, as I suppose has existed, and the noble Lord has borne a part in it, and has incited it, partly by his expressions, and partly by his actions; then, whether he is guilty of all or any of those transactions which

were the consequences, Gentlemen, the guilt of all falls as much upon his head, as if he himself had put the firebrand to the very houses to destroy them; and this will not be disputed with me: It has not been disputed by either of the learned Gentlemen. I am extremely happy, that if I misinterpret any part of this law, or mistake any part of this law, I shall be corrected by the learned Judges who hear me. I hope at least any thing I have said will not deserve the name of *Comendium*, which I perceived was one of the epithets given in the haste of eloquence by the learned Gentleman who last addressed you; I take it to be clear law, and never, till this moment, disputed. In the first place, we are to consider here, whether there has been an insurrection to repeal this law; then we will enquire, whether the noble prisoner had any part in it. Now, that there has been an insurrection to repeal this law, I think I need not take up much of your time to prove; for mark what has been done upon this subject. I know of the exceptions attempted by the learned Gentleman, which I shall by and by answer; but I shall see shortly what has been done—A vast multitude of people, greater than can possibly be consistent with order, to the number of thousands, without a name, (whether twenty, thirty, or forty thousand remains entirely in the dark) met together at Coachmaker's-hall, and in different places, and finally in St. George's-fields, for the purpose of carrying the petition to Parliament. They came thither with that force, upon Friday the second of June, and filled every avenue of the House; they blocked up the lobby, and insulted some of the Members of the Legislature. It made it impossible for many of the Members to find their way to their seats in that House; their noise, riot, and tumult, was such, no business of the Legislature could go on; the Representatives of you and us all in Parliament, sat with their hands before them, the prisoners and slaves of these humble petitioners:—For slaves we were, as it is proved in every sense of that word, scarce venturing to look out of the door, expecting every moment violence within, and not knowing whether death would not be the fate of those that should dare to say a word in opposition to the requests of those people—I should have said of these *Petitioners*. Gentlemen, the conduct of many Members in the House was reported to this disorderly, tumultuous set of people; they were told who were their friends, and who were their enemies: I am not saying by whom, but they were told by somebody, that business could not go on, that the House could not even divide upon their petition, till they retired. What is their conduct? Do they move? How happened it that the Members of that House were not prisoners for days? Was it any merit in the petitioners that they did not so remain? Did they set them at liberty, did they put an end to their imprisonment? No. They were set at liberty by that which I hope we shall never live to see again in this country—they were set at liberty by a military force. The Legislature of this country, the Parliament, the Commons of England, those by whom you are represented, could not protect themselves; they could not debate, they could not deliberate, they could not decide; the King, whose particular duty it was to protect them, could not by the ordinary exercise of his power, the civil power, the proper vehicle in his hands; in the ordinary administration of affairs, give them protection; he was obliged to have recourse to his army. In what state was this country then? And I shall stop here to call your attention for a moment to this question. Is that the State of peace, when the Senators of a great nation cannot by themselves, and by the assistance of the magistrates of the country, deliver themselves from actual violence? And I will venture to say there was not a man in this town, who had any connection with any friend of his who was a Member of that House at the time, that did not tremble for his fate, from the dreadful insult that was used to the House itself. I need not paint to you, for you will easily guess, as you may have connections with some of them;—you may have brothers, fathers, or sons, and you can very easily conceive what must have been felt by all who had any thing to wish or hope, who felt any thing for those who were in this lamentable state of imprisonment, unknown, I believe before in any civilized country. Those who call this peace, those who say that my learned friend, who arraigns as criminals the authors of these dreadful disorders, and accuses them of levying war, does wrong; those who think this is a dreadful reproach upon the persons who are prosecuting, in the name of his Majesty, for the sake of public justice, differ very widely from me.

I wish never to stretch the word Treason beyond its natural import. But if I had been called upon at that moment to say, whether this country was in a state of peace or war, or whether a rebellion had begun? I should not have taken a great deal of time to consider; and I should not have thought it the work of a moment to decide, whether this country was in a state of peace or war. For I cannot help thinking that, at that time, the real power of the country was in that turbulent unruly multitude, by which the House of Commons was then beset, for the purpose of enforcing the repeal of that law. The words "No Popery," and Repeal,

"Repeal!" was echoed over and over again in the House. You find one of the door-keepers tells you he was so frightened, he does not know how, but at last the lobby was cleared: it was such a state of anarchy and confusion as you never heard of, I believe, before.

The object was to repeal the law which had been made, falsely as it has been said, tolerating Popery; and very wickedly, in my opinion, it has been called tolerating Popery, or encouraging it. The object of that law was to obliterate from the statutes of this country, a law that had been written in blood, and cruel beyond example. I do not know there is another instance, I believe there is none in the laws of this country, in which perpetual imprisonment is inflicted on any subject. It is not for the honour of this country, that any mortal, for any offence, should be doomed to spend his life in a dungeon. To put him to death, or send him out of the country, to a place where he should languish in misery and pain of slavery, is mercy to this. Therefore, this—this law, which they wanted to repeal, is not shameful, but honourable as any law that was ever made in the memory of man, that was presented to the House by a person who is held dear in the present times, and dear for ever he ought to be held by the human race, for his most noble, glorious and successful exertions in support of the laws and constitution of this country. The law in King William's reign, that was the object of this act to repeal, was certainly made very much against the inclination of that illustrious Prince; but the miserable factions that had distracted this country, made it impossible for him to resist it. The repeal of this law, the object of these tumults, this assembly of petitioners, when they found the law was not repealed, and that the House had firmness enough not to be over-awed by those who wanted to be their masters—what was the next step they took? Did they disperse, or did they set about enforcing this repeal by argument of another sort: They made use of arguments exactly similar to those that prevailed in the case of Darnley that you heard of, (the man who was convicted for pulling down some Meeting-houses) they resorted first to the chapels of the foreign Ambassadors, where the Roman Catholic religion was exercised; those they demolish and plunder. I say, plunder: It was mere plunder and destruction. This was done upon the Friday. Upon the Sunday they burnt one chapel, and some houses of Roman Catholics.

What next happens? Some of these people were taken up on Friday night, and those who appeared against them as witnesses, had their houses pulled down upon the Monday night; and an attack was made upon the house of Sir George Saville, a name too respectable to receive any advantage from any panegyric of mine; his house was saved by a military force; which military force had dispersed them, after the mischief had been done at the chapels of both the Ambassadors. Then what was done upon the Tuesday? The same violence was repeated by the same tumultuous assembly; they were here ready to have acted the same tragedy over again; ready to have repeated the same insult upon the House of Parliament, but were prevented by a military force, which came to the protection of the Legislature; or, it cannot be doubted, the same noise and tumult that passed before, and the same insults would have been repeated to the Members of the House. In consequence of it, a noble Lord coming down to discharge his duty, narrowly escaped with his life. Mr. Hyde, one of the witnesses, whom you have heard, because he interposed to protect that noble Lord, had his house immediately destroyed, and his property sacrificed; then, after the cry to go to Hyde's, and they had pulled down that; from thence, the cry was to Newgate!—That goal was destroyed, because in that goal, those offenders who had before been apprehended, were confined.

I need not repeat, or go through, the several outrages that were after committed; they were dreadful!—You heard an account of them from Mr. Turner and others, proving that which you knew yourselves. Violence and outrage were continued in many places; dreaded every where; resisted by none, till the military force was brought; and, indeed, a very numerous military force, was found necessary to quell these disorders, and prevent the absolute destruction of this great city. All this has been proved to you to have happened, and there can be no doubt, I think, but if this happened by the same persons, pursuing the same end, which was the repeal of this law, that it was a very violent insurrection,—an actual war against the government, against the legislature of this country, in order to compel by force a repeal of this law. If it is, I shall say no more than what I have already observed, that persons who are guilty of these proceedings, are guilty of the crime of High Treason. God forbid I should stretch the law! I am sure I do not willingly, I hope I do not stretch it beyond what I know by experience it must bear.

We come next to consider whether the prisoner is guilty of the crime that is laid to his charge. It has been asked, what possible motives could engage the prisoner in enterprises so illegal, so

dangerous, and so desperate? I answer to that, I cannot look into the human heart; but I know the worst of all enterprizes have been produced, and repeatedly produced to the world by false ambition, and seeking after an unjust pre-eminence, and likewise by false notions of religion, which, though false to a certain degree, very often are seldom quite free from hypocrisy. And if the mind of any man is infected with religious zeal, and has also room left in it for ambition, there does not exist in human nature a more dreadful composition; because, under such pretence, such a man will sometimes even deceive himself; he will constantly attempt to deceive others; and, from a false misled zeal for religion, he will endeavour to effect every purpose, however wicked, that can serve or promote the end of his ambition. I need not call to your mind the history of an age, not very distant in this country, in which those qualities, mixed together in some very eminent men, distracted this nation, and made it for many years a scene of confusion, horror, and bloodshed. Whether these were the motives of the noble Lord, I do not pretend to decide. You are to judge from his actions, and if he has been guilty of that which is the object of this prosecution, if proved upon him, whatever his motives were, he must suffer such punishment as the law has allotted. Now, let me see the part the noble Lord has acted, and the evidence by which that is proved. I will state it shortly to you, and then observe upon the evidence by which it is proved.

The noble Lord met several times at different places where the Protestant Association met, the object of which was to repeal this law. At Coach-maker's-hall it was decided; he in fact, as you have heard, I do not say he took upon himself singly to decide; but, as president of that society, he strongly supported the idea of meeting in St. George's fields with that immense number. At Coach-maker's-hall, he holds language that was dreadful almost to state.—I state this to you, supposing the witnesses spoke truth, for at that place, at Coach-maker's-hall, or one of the meetings, when he is addressing those of whom he was president, he tells them, after reading over the preamble of the bill, his Majesty's counsellors, or advisers, when it was found that numbers were coming up from the country, would be sent to repeal the Bill; that he thought him in the same situation with James the Second after his abdication. He read the King's coronation oath, and he said, "The King had broke that oath."—Then speaking of his countrymen the Scotch, he said, "They did not mince the matter, they spoke out." You will observe, Gentlemen, there is no proof of any persons in Scotland speaking out in any other sense, than in that way which the noble Lord recommended to them by his words, that is, by acts of force. He advises them strictly to adhere to so good a cause. What was said by Mr. Hay? (he tells you farther upon another part of the cause, which I shall mention to you presently).—He says, the person that carried the flag down at the House of Commons, carried the same flag at the burning of the Fleet-prison; another part of this man's evidence is confirmed by several others. "The noble Lord desired they would have cockades," that is proved by his own witnesses. Mr. Anstruther tells you, the noble Lord told them at the assembly, "The Scotch had succeeded by their unanimity, and desired they would be unanimous, and he hoped no man that had signed the petition would be ashamed to shew himself forward; that he would not present the petition, unless he was met in St. George's-fields by 20,000 people, and that he wished well to the cause, that he would be answerable for any thing that should happen to any of them, upon account of the meeting; that he would go to the gallows in or for the cause; that he would not present the petition of a lukewarm people." Mr. Anstruther proves to you expressions of the same sort which the other witnesses mention, "The Scotch had succeeded by their unanimity, he desired they also would be unanimous, that they should wear blue cockades, that they might be distinguished from foes; that he would be answerable they should not be molested, that he wished as well to the cause as they did; that he did not wish them to undergo any danger he would not undergo; that he was ready to go to death for the cause, or to the gallows, he is not certain as to the expression, but he rather thinks it was the gallows." There are three witnesses, Hay, Metcalf, and Anstruther, who prove these expressions previous to the meeting in St. George's-fields. In those fields this assembly met, some of them had flags, some with the words, "Protestant Association" wrote upon them, and upon others, "No Popery," and all of them went to have, according to the desire of the noble Lord, blue cockades in their hats; they were desired to go in divisions that were settled at Coach-maker's-hall; in those divisions they marched to the House; when they came to the House, the noble Lord several times addressed them; he told them, again and again, what was said by this man in the House, and what was said by another; and then, that the Speaker said, "They came under the pretence of religion; Lord North called them a mob; the Member for Bristol was against them."

them; Mr. Rous moved for calling in the civil power; one is for the civil power, another for the military." All this the noble Lord said to them. They applied to him, having still their cockades, thousands of them about the House, blocking up every avenue. The noble Lord spoke to them many times; when he stated the case to them, and told them the business could not be done, there could be no division of the House till they departed; that almost all the Members of the House, except three or four individuals, were for adjourning to Tuesday. They offered to go if he would advise them: they would take his advice; but he left it entirely to themselves. Gentlemen, I state the facts, I do not comment upon them. He advised them to be temperate and firm; sometimes he advised them to adhere to their cause; sometimes he advised them to be steady. Mr. Anstruther mentions a variety of things that passed between them and the noble Lord, in the lobby, and when he was in the gallery, and at the time when there was great confusion: And, among other things, the noble Lord undertakes to tell them what was the true state of the case:—"I will tell you how the matter stands; the House is going to divide upon the question, Whether the petition shall be taken into consideration now or on Tuesday; there are myself and five or six more for deciding it now, the rest are against it. If it is not taken into consideration now, or Tuesday, the petition will be lost; to-morrow the House does not sit, Monday is the King's birth-day, and Tuesday the Parliament may be dissolved or prorogued." Several Members attempted to speak, but could not be heard; and all these people went about with their blue cockades.

Mr. Bowen gives you a much fuller detail of what passed, and of several things said by the noble Lord in the lobby; that he spoke to this mob to depart, and they would not; that they called out for Lord George Gordon. He told his Lordship what he had heard in the lobby, that these persons would go if he desired them. Lord George went to the gallery, and then began with addressing them in general terms, "To be quiet, peaceable, and steady; that his Majesty was a gracious Monarch, and when he heard that the people, for ten miles round, were collecting and coming up, there was no doubt he would send his Ministers private orders to repeal the bill." He then mentioned an attempt to introduce this bill into Scotland; then the noble Lord said, "The Scotch had no redress till they pulled down the mafs-houses." He speaks with caution; he says, if they were not the same words, they were to the same effect: "When they pulled down the mafs-houses they had redress, and when they did that, Lord Weymouth sent a special message, assuring them, the act should not be extended to them; and why should they be better off than you? Why should the Scotch be better off than you?"

Mr. Cator follows this Gentleman, and he gives you an account of expressions very much to the same effect, for he tells these persons there in the lobby had blue cockades, and the persons there said, they would clear the lobby; if his Lordship wished it, they would do it directly, and without any trouble. The prisoner said, "I will tell you, how the case stands; if you wish your petition should now be taken into consideration, you may stay—or do as you please." He then asked them, whether they would chuse to have it now taken into consideration; they were all silence and attention when he address them; when he spoke thus, they all called out, "Now, now, now!" and he then asked them, "Would you wish to be in the same state with them in Scotland?" they said, "Yes, yes!" and the noble Lord's answer was, "Well, well!" That is the account given by Mr. Cator. All this passed upon the Friday: Besides this, I have told you the mischief that was done between that time and the Tuesday, when the same mob came down again to the House, with their blue cockades, there was the same danger to the Members; a Nobleman, who attended the House, went at the hazard of his life, in the midst of them. Great violence was offered, which was stopped only by the military: A part of them go away to Mr. Hyde's house, and destroy that, then to Newgate; and this mob went with blue cockades. The noble Lord came to the House in a blue cockade, with that same badge, and with that same bond of union and sedition, which had marked him out as one of those concerned in this transaction. With this appearance, he comes down to the House on Tuesday.—How does he depart?—He is carried away in triumph by the same mob, his horses were taken off, and his carriage and he drawn into the city. This is proved by his own witness, Sir Philip Jennings Clerke, that he was carried with him contrary to his wish, to the house of Alderman Bull; the noble Lord knew the house in the city to which he desired to go. This happens upon the Tuesday, and what does the noble Lord do upon the Wednesday? He goes to one of the Secretaries of State, and, as this Counsel tells you, having nothing to do with those transactions, he tells that Secretary he wants an admission to his Majesty, and he tells that Secretary of State he can be of great service by speaking to the rioters. I don't affect to state every syllable. You, Gentlemen, I dare say, can recollect the very

words. This the noble Lord tells himself, upon that very Wednesday, and afterwards when he is desired by a man, and he writes his name upon a protection that has been read to you; That protection has this effect: If there was to be an attack upon the house, it might prevent its destruction. The man that wanted the protection had a house where a Roman Catholic lodged: It stopt their violence; they yielded to the protection, and the house was saved.

This is the substance of what is proved against the noble Lord. But in the first place, you are told by the learned Gentleman, whom you have last heard, uniform in his eloquence, for eloquence he undoubtedly has; I wish to impute as little blame to him as may be; I dare say, he was transported by the unusual heat and warmth with which you saw him agitated; and, I dare say, upon any other occasion, and in his cooler moments, reflecting upon what he has said, he would recall his expressions. But in order to get rid of this testimony, he tells you this evidence corresponds with the views, and it has been supported by the scum of the earth; that was the general characteristic given to the witnesses. I apprehend this will have very little weight with you, as the same fact is proved by many. But who deserves that appellation among the witnesses? None that I can find. Mr. Hay, the Printer, who said he had the misfortune to be a bankrupt; and, therefore, because he would play upon the words, he says, he is afraid he was not only a bankrupt in trade, but a bankrupt in conscience; and you are to take that Gentleman's word to get rid at once of the testimony of Mr. Hay; and you are desired to suppose that Mr. Hay without any interest, without any possible motive, was guilty of wilful and corrupt perjury: For nothing less would serve the purpose. Gentlemen, you know that every witness, except he disgraces or contradicts himself, or his character is impeached, is to be thought worthy of credit. You know upon such a trial as this, it is particularly in the power of the prisoner to impeach the character of the witnesses, if they deserve to be impeached; because in these cases, the rule of law has made it favourable to prisoners: He has a list of witnesses eighteen days before his trial, in order to give him an opportunity of knowing who they are, where they live, what are their connections, and what are their reputations, that he may search out the ground, if there be any, to lessen the credit of the witnesses with the Jury. And I believe, I may, with truth, say as much industry has been used as any lawyers could, to search for every thing that might be of use in the cause, and not an attempt is made to blast or to diminish the credit of Mr. Hay. I have a right to say, unless you can discover in any testimony he has given, that he has delivered it with such equivocation as ought to blast his credit, he stands an honest and unimpeached evidence before you, equally intitled to credit as those persons whose characters are not wounded, and whose credit ought not to be disputed.

What are the other witnesses? The next is Mr. Anstruther, a Gentleman at the bar, a more honourable character this island does not know. The next was Mr. Meicall, an Attorney, who is known to be a person of an undoubted reputation. The next was Mr. Bowen, a Clergyman, whose reputation had never been touched, an officiating Chaplain of the House of Commons, who was there that day. The next was Mr. Cator, late a Member of the House, now not sitting in it, a man of large fortune, and a very good character, and who could not have any wish to do any prejudice to the noble Lord. If these are the witnesses that speak to the transactions before, and at the House of Commons; are they to be believed, or his assertions, invectives, calumnies, or slanders, to do away that evidence? In answer to which, nothing else can be said; and against which, (as, I hope, by the bye, to show you, and, at the same time, only mean to do my duty, I have no other hope,) no other evidence has been given. Now, if their evidence is true, what is the consequence that results from it? what is their language? what is proved by them:—That many thousand men were formed into a body, meeting for a public purpose, the object of which was to repeal a law affecting the Protestant religion, which his Majesty by his coronation oath is bound to support: The language is, "That he has violated that oath, or broke it;" I will not stand for a word: and it is said by the noble Lord, "He is in the same situation King James the Second was when he abdicated the Throne." If one meant to foment rebellion through the land in language more plain; does our language furnish expressions that will better answer the purpose? What is said about the Scotch? "They spoke out, they did not mince the matter." What is spoke about sharing the common danger, about going to the gallows, which is a strange idea to enter into the head of a man, whose objects were perfectly peaceable, who looked not to any thing like force, who was the last of all men who dreaded danger. What is his language in the lobby? The Scotch did not mince the matter, they spoke out in the plainest terms, that was proved by Mr. Bowen, Mr. Cator, and all the rest who gave evidence

dence in regard to what he said about the Scotch. It appeared to the learned gentleman not to be material, but I think it excessively material. For you find what was done in Scotland; the Roman Catholic houses were destroyed at Edinburgh in the beginning of 1779:—It was thought material by him, because the noble Lord himself in Bowen's hearing, said, When the Mass houses were destroyed, the people of Scotland had redress; that then Lord Weymouth sent them an official letter, the design of introducing the same law there should be dropt. Three of these witnesses proved that he asked, "Why they should not be in as good a situation as the Scotch were, or would not they wish to be in as good a situation as the Scotch?" "Yes, yes," cried the mob,—"Well, well!" the noble Lord: Why need I argue on the force, the result of these expressions? What does he mean by the Scotch speaking out, and not mincing the matter? what is it they did? by force they had resented the law being extended to them, by the destruction of the Mass-houses. I will not waste your time in endeavouring to enforce this; because I am sure neither you, nor any one that hears the evidence, can possibly entertain the least doubt upon the meaning of the speeches of the noble Lord.—If the noble Lord had been asked, what was the meaning of this, when he talked about the Scotch, he would have said, the man must have been a driveller that did not understand it. The language Mr. Bowen mentioned is express; if it is, can any thing be a more direct, immediate, or professed incitement to the destruction that followed of the Roman Catholic chapels here? The Roman Catholic chapels had been destroyed at Edinburgh. You remember that very thing followed here upon the Friday night. There are material expressions which he said, again and again, "Be steady and firm." This is here mentioned as if it was nothing. And when the noble Lord told them, he would not tell them what to do. The matter could not go on; but must be put an end to, if they did not go: but he lays, "You may stay, or do as you please." What, stay against the will of the Members of Parliament, to obstruct and imprison them? They were in a state of imprisonment, till a military force came to relieve them. What, in God's name, could they do more, unless by violent hands they had instantly put the Members to death. Under those words, can it be imagined any thing else could be implied, but that it was his intention to compel an immediate consent to the repeal of that law? What is the consequence? Dreadful to the Members, to whom they acted a very hostile part: it was marking out, almost for slaughter or immediate death, every man that took any part adverse to these petitioners, as they are called. These petitioners, who signed a petition, framed in the most innocent language, the noble Lord desires to be firm and steady. I heard of humble petitioners, and modest petitioners, and reasonable petitioners, and earnest petitioners, but a *steady* and *firm* petitioner is a new creature:—one which, I hope, I shall not live to see encouraged in this country. For petitioners to petition with *firmness*, I must understand to be with a determination not to be refused: then, he no longer petitions, but commands. This exhortation is an exhortation to men, who do not come to ask, but are resolved to take: no fair language will warrant any other conclusion, and yet these are the "most innocent of words."

Gentlemen, after all this, what is next done by the noble Lord, after so much mischief? A general conflagration was absolutely dreaded. But after so much mischief to the chapels and the private houses had happened before the Tuesday, do you hear of him going about to the insurgents, to these miscreants, who were setting the city on fire, to entreat them to desist? Do you hear of any thing being done to that tendency? What is his conduct upon the Tuesday? In my opinion the most important incident in the whole of his conduct, except that which passed between him and Lord Stormont. He comes to the House of Commons, attended by the same mob, with flags flying, and cockades in their hats. How is he himself apparelled? what ensigns does he bring with him? That same blue cockade. And for what purpose? Had he done any thing to put an end to those disturbances? had he desisted? had he changed his mind? did he disapprove of the mischief? did he wish the tumults to cease? did he mean to discourage them? Was not he, in the face of the world, who comes into Parliament with that same badge in his hat, telling the multitude, in terms as plain as he could speak, "Here I am, pursuing the same cause, with the same wishes and affections I had for you: I am the same man I was before; perfectly unchanged; and I bear my mark, my ensign, in my hat?" Can any man hesitate to say the wearing that cockade on the Tuesday, after all the mischief that was done, necessarily connects him with the whole? I protest, when I consider this circumstance; and though we hear not of him at any fire; though every man knew of the mischief that was done; when I hear he had not made any attempt to stop its course, and see him again bearing the marks of sedition in his hat; I cannot possibly be convinced but that he was, and meant to show himself to be, the same man he had been upon the Friday, a

partaker of and encourager, and a friend to this mischief. This happened upon the Tuesday; and the same mob understanding his Lordship extremely well, as he shewed himself in appearance to be the same friend to them, they expressed the like affection for him; for they suffer him not to flink away from the House in an unimportant, private way; no, that was not the case; multitudes attend him with huzzas, his horses are taken from his carriage, and he, their leader and governor, is carried in triumph to the very end or extremity of the city. All this, you see, passes upon the Tuesday; and a part of that very mob with himself, shewing their fondness and attachment to him, go, some of them, first to Hyde's, afterwards to Newgate, and commit the devastations with which you are well acquainted.

To suppose a want of connection here, is to shut one's eyes against the clearest light.—But upon the Wednesday that follows, which I have mentioned as a fact, he goes to Lord Stormont, tells him he could be of great service in putting a stop to those riots.—Good God! Gentlemen, after all this, what are the topics of defence? Why, in truth, it is said by my friend, and that seems to be the main argument that, in truth, all the mischief was not done by any of the Protestant Association; it was not done by any man connected with Lord George Gordon; that he had nothing to do with them: And that is gravely urged, (with what propriety you will judge, because, to be sure, it will be a very essential point in the cause); as if you could believe, that after what passed at the House of Commons, those who destroyed the Romish Chapel, and went on with other mischief, were an unconnected mob; to be sure, you would have then a very different case to decide upon from what you have at present; because you would have to judge upon the effect of the noble Lord's conduct from what passed at the House of Commons only;—but can this be the case? Is there any man that has a head upon his shoulders that can believe it was the case? A prodigious mob appeared with blue cockades, came down to the House, filled up its avenues, tumultuous to the last degree in the lobby, then they committed great outrage, particularly upon the Bishop of Lincoln and Mr. Ellis; but that is not proved only; they are in plain terms exhorted by the noble Lord, they ought to be the same as their brethren in Scotland; they had redress when they pulled down the Mass-houses; then, Gentlemen, immediately after the Mass-houses are pulled down, that exhortation is complied with. Now, here, it I am asked, whether I believe that all the Protestant Association did this, or concurred in this? I own, I do not believe it. I should be very unwilling to brand 40,000, or 20,000, or 10,000 of these men with any such mischief; but that the members of that association did it, there can be no doubt. You have heard various arguments made use of, and some evidence adduced to create a doubt of this. Whom did the noble Lord address in the lobby? certainly members of the Protestant Association; he understands so, and he talks to them as his friends, they wore the blue cockades; but by way of adducing a different idea, Sir Philip Clerke says, he thought they did not look quite so well dressed; but made a worse appearance, and were of a lower sort than those he saw in the streets. I mean when he speaks of those in the lobby, they being heated and fatigued, would naturally assume a very different appearance, but they are addressed as such by the noble Lord; he treats them as such; and tells them, it is their petition; they in the most explicit terms offered to obey his dictates; they are told to clear the lobby, and said, they would immediately clear it if he desired it; they would not force it on. He says to them, "You may stay or do as you please, you cannot have redress if the matter is put off till Tuesday, for to-morrow the House does not sit; Monday is the King's birth day, and on Tuesday the Parliament may be dissolved or prorogued." He talks to them as members of that association who had signed the petition, who concurred with him in the same view. Then what was the object of those that destroyed the Romish Chapels? Has it been suggested in all you have heard to-day? Have either of the learned counsel suggested to you any possible motives that induced those miscreants that committed that destruction upon the Romish Chapels, unless it was for the sake of enforcing the repeal of the law? No mortal man has pretended to you they had; no man has conjectured they had any other motive. Then how are they distinguished? Why, by the same blue cockades, by the same cry, "No Popery! No Popery! down with the Papists," and the like expressions they held, and the same language they used at the House; they have the same cockades, they are acting upon the same motives or none, or there is none upon which it can possibly be conjectured they did act. And you will remark, that none of the mischief began till after the military force had removed the mob from the House of Commons. And they had not done insulting the members of the House of Commons for more than an hour after they had been removed from the House, which was about nine o'clock, or something after; for the earliest period that they attacked

Romish Chapels was about ten, or a little after: About an hour after they had left the house, the mischief begun at those chapels. Good God! can there be a more demonstrative evidence: or would it be more proof to you, if they had been actually soldiers, with their regular cloaths: having the same garb and the same cockades, they proceeded to this mischief. But, what does Sir Philip Jennings Clerke tell you?—he tells you, that upon Tuesday night (the day he came down with his cockade) he applied to Lord George Gordon as his protector. If he applied to Lord George as his protector, was it against any other mob, or against the same mob, still pursuing the same designs? still with the same cry, No Popery; still pursuing the same object from the beginning to the end? For you will understand, and it is extremely remarkable, that down to the time of the destruction of Newgate, it is extremely clear, no other object had been pursued but destruction. There is not the least proof, there is not the least reason to believe, any other object had been pursued, except destroying the Roman Catholic Chapels, and destroying the houses of those, who, either as witnesses or magistrates, had endeavoured to obstruct them in the designs they were pursuing. The learned Gentleman mentions one as an exception, belonging to one of the learned Judges before whom I have the honour to speak, which makes it very improper and indecent for me to enlarge upon that circumstance; but I am very far from thinking that is an exception; and only what was done, was done in their heat. They pursued solely one uniform, constant design, to force the repeal of this bill, and that their resentment was uniformly against the persons whom they thought connected with Papists, because they had passed that bill, which was called friendship to Papists; and which I call not *friendship*, but *toleration*. They knew what every body knows, that the noble person, to whom that circumstance was alluded, has ever distinguished himself as the most respectable friend this constitution and country know of, to the most universal and liberal toleration. So when they were once embarked in a design to introduce persecution, and the destruction of a particular set of religionists, or, indeed, in a design to subvert all government, order and law, there was no one man in the kingdom against whom that resentment and indignation would be so naturally pointed at: And, therefore, I consider that distressful mischief, as one part of the same uniform outrage, began, continued, and conducted to one and the same wicked and execrable end. And if this has been their conduct, can any mortal man doubt, that all has been done from the beginning to the end, by those who have born the same ensign, and joined in the same cry? Indeed, to suppose, that those who were at the House of Commons engaged in the tumult, crying, “No Popery, Repeal, Repeal,” and another mob committing all this destruction unconnected with them, would go to the Romish Chapel, and destroy it for no other purpose upon earth, but the very purpose for which they were practising the tumults here, is too absurd to suppose.—No mortal can believe it. But besides that, what is the effect, and what can be the construction of the noble Lord’s language to Lord Stormont? “that he could be of essential service in suppressing the riots.”—How? Would he be of essential service in suppressing the riots of whom? Of a miserable banditti, unconnected with the Protestant Association, unknown to Lord George, with whom he never associated, with whom he had nothing to do, who owed nothing to him for his exertions, who never acted under his influence. And yet this is the only argument upon which the noble prisoner’s defence can be supported. All this was done, it is said, by a distinct mob, with whom the Protestant Association, that came to the House, had nothing to do. Whoever seriously considers what was said, cannot possibly help saying, that the noble Lord, too justly, I am afraid, assumed to himself the character of leader and commander, and in that character was able to do very great and essential service in suppressing the riots: He did it, the Council who spoke last for him told you, to the utmost of his power, in one instance.—A very slender exertion of his power, indeed! confined to one instance, and that not very voluntary; not of his own motion, but at the request of Pond, who comes to him, conscious of the influence of the noble Lord’s signature, desires protection from him, and thus obtained it; and this is mentioned by the learned Gentleman whom you last heard, as a prodigious exertion, and very much to the interest of the noble Lord. I use it, I hope, not unfairly, as a proof of the power he told Lord Stormont he had, because he was the man whose influence this tumultuous assembly was guided by, to whose influence and persuasions they were likely to yield. I am sorry to detain you so long. I have almost done with the observations I had to make. But it has been boldly said to you, that the evidence for the Crown was given by the scum of the earth, itself amounting to nothing, and that it has been combatted, totally defeated, and overpowered by the evidence given for the prisoner. I waited, I stretched my mind with the utmost exertion, in order to collect from the evidence, if I could, that was

given for the prisoner, what it was that was proved upon his behalf; and if I was now asked, and obliged upon oath to say, what it is that the prisoner has proved upon his defence? I protest I am not able to tell you: I do not mean to take from it the weight of a grain, nor would I have you upon account of any observations of mine, be prevented from giving it its due weight. What is it that Mr. Middleton and two or three others tell you? I will not call the others any of them, the scum of the earth; that is an opprobrious name, which should be given to people who are low and base, as well as dishonest. If you look at the condition of the men, they certainly are not in a very exalted state. Mr. Middleton is a preacher—he spoke in exalted terms of Lord George Gordon, and said he wished to have this business conducted in a peaceable manner. This same thing has been observed to have been said by him in St. George’s Fields, where he had directed what numbers should be assembled, and said he would not go without twenty thousand people; and directed the cockades and divisions, and so on;—that he all at once altered his mind upon the Friday, and would not have them go up in large numbers, but only a small one. What does this amount to? Let me make one remark on the evidence of Hodgkinson and another man that followed him afterwards, in which they tell you, by way of guarding against the possibility that an idea of violence should ever enter into the imagination or intention of any of these persons, or of Lord George Gordon especially, for that he desired, and it was the resolution, “That if one cheek was smitten, the other should be turned.” In short, they would follow that most amiable and peaceable doctrine delivered in the Gospel, and they would for that time, and for that purpose, become the simplest and purest Christians. My objection to this evidence is, that it is a great deal too much; and, I own, I am not scrupulous in saying, I have very great doubts of it. It is not a sort of evidence that is at all material: It is a fact, in itself, highly improbable, and it must be proved by more, and better witnesses than those, before I can believe it. But I am now come to a circumstance, which, unless I am very much mistaken, puts an end to it all. In St. George’s Fields, if he was desirous only thirty or forty should go, it is pretty extraordinary, when the noble Lord had taken the leading part, the post of honour, and was their Captain, if the original plan was to be deserted, that he did not apply to the Committee, or to men of a particular weight and influence, or speak to this man, or that man belonging to the Committee, to desire the multitude to disperse, and themselves to go up with the petition only. But no such thing is done by him; it was mentioned in a loose way, that it was better for 30 or 40 people only to go: He goes not with them, that was not in his idea; his going with them was never understood to be a necessary part of the proceeding. If the noble Lord had really held such language in St. George’s-fields, if he had been adverse to this great multitude going, and very adverse to riotous proceedings, how came it in the space of a very few hours, when the occasion very particularly calls for his powerful exertions to disperse those who were in the House and in the lobby; the Legislature of this country prostrate at their feet; it is very extraordinary he should so totally forget what he had said before, that he should not ask them to depart. He was very averse to multitudes, he was very averse to riots; a multitude was at the House of Commons; that was besieged and blockaded; they cannot act for riot and disorder; and yet this friend of peace, this man that wishes to disperse the tumult, does not say one word to them desiring they would disperse.—You are told they were willing to obey his orders, they would clear the lobby if he desired it; but when he saw men not look so well when they were fatigued, pressed, squeezed in the mob, as they had in the beginning of the day, he tells them, He can give them no advice, he tells them, they might stay or do as they pleased. I protest myself I should have thought I had been extremely culpable, though I had been known or unknown, if they had asked me for advice, and I had not given it them, when no reasonable man could possibly have doubted what advice he ought to give. The advice to be given, was, Retire to your houses, and leave the Parliament to judge of the reason, and not force them to decide upon the merits of it. No man of understanding, upon reflection, could have hesitated one moment to give advice; and yet the noble Lord, who has them at command, says, “He will give them no advice.” That is the expression of Sir Philip Jennings Clerke; and another witness, he said, “You may do as you please.” Is it not absurd to suppose that he was averse to tumults, when he would not at that moment endeavour to appease the mob, but suffer an universal wreck to the country, till the military force exerted themselves to prevent it? I need not go over it again, gentlemen, all this shows it is impossible to avoid collecting what is clear. The whole was a continuation of a design to force what was going on. Gentlemen, other expressions will show you that at different times, even in the lobby, this noble Lord advised them so to be peaceable; it is true,

he did so, but it was to be quiet, peaceable, and steady. If to be temperate, they are to be firm; for he tells them to be temperate and firm; that is, in short, "To commit no outrage that is not necessary for your purpose; but you are firmly to pursue that purpose; move not from your station, have the act repealed, or overturn the Constitution; for no other way can you repeal the act.—Be all as one as to this firmness." I have but one more remark that recurs to me, and you will not wonder, as I am almost exhausted, that I should omit many things. I will not tire you with all his inflammatory expressions, enough are proved to have been spoken before numbers of his friends; and yet not one of them has been produced, not one of that Protestant Association, who heard Lord George Gordon say, "The King had broken his coronation oath, that the King was in the state of King James after having abdicated his Throne;" not one man has proved that no such words were spoken.—Are none of the friends of the Protestant cause, none of those witnesses who are brought forth in his defence, ready and able to say, I was present,—I heard all that passed—and that no such words ever fell from the noble Lord? None of them who were present in the lobby, to tell you his Lordship has not said those words about the Scotch, which he used again and again, as was represented by Mr. Bowen? Not one man belonging to them present in the place has been brought to contradict that which was sworn to by the several witnesses upon the part of the prosecution. This, Gentlemen, as it appears to me, carries an unanswerable conviction: I cannot myself believe, but that unless expressions of that tendency had been used by the noble Lord, they must have been contradicted by a number of witnesses; however, no such have been produced before you. With these remarks, at this late hour, I must put an end to what I had to trouble you with. Let me repeat to you again, private and personal wishes I have none; I hope exactly, and I think upon this subject exactly, as if I sat in judicature upon the noble Lord. If the crime with which he is charged is not proved against him, it will be your duty to acquit him; and no man will murmur at your acquittal of him. But if, upon the other hand, the crime is made out against him, and it is shewn that this mischief was, from beginning to the end, practised by these men, joining together by violence and force to compel the repeal of a law; if the noble Lord concurred, and bore a part in that design, if he incited it, if he conducted it, what must be the consequence? The constitution of this country, nor the constitution of any country whatever can stand, if outrages like these are suffered to pass with impunity. It is always a painful task to pronounce the sentence of guilt upon any man; but no considerations of noble birth, and no other motives that work upon the private feelings of men, will make you deaf to the voice of truth and justice. If you should find yourselves at last obliged, for you will not do it unless you are obliged by the nature of the charge, and by the evidence brought in support of it, to conclude that the noble Lord has committed the crime of which he stands charged, every man will be sorry that the noble Lord should have been guilty of it; every man will lament that he should have exposed himself to such an unfortunate and miserable fate; but yet no such consideration can totally extinguish the regard which we ought to have to the constitution of this country; which, if the noble Lord is guilty, cannot possibly stand, unless he, as well as other offenders like him, meet with the punishment they deserve.

EARL MANSFIELD'S CHARGE TO THE JURY.

Gentlemen of the Jury,

THE prisoner at the bar is indicted for levying war against his Majesty. He is indicted for High Treason; for that species of High Treason called *levying war*; therefore it is necessary for you to be at first possessed of what it is the law has established to be levying war against the King, so as to constitute the crime of High Treason, within the statute of Edward the Third, and perhaps flowing from what was the law before that statute. There are two kinds of levying war, the one is a war levied directly against the person of the King, to imprison him, to dethrone him, or to kill him; the other is a war which is said to be carried on or levied against the Majesty of the King, in opposition to his person, his crown, and government; that is, against his regal capacity; and therefore, if a multitude rise and assemble, to attain any general public object by force and violence, it is levying war against the Majesty of the King, because it tends to dissolve all the bonds of society, to destroy property, and to overturn government; it does not suffer the King to reign according to law, and therefore for aught it is established, and many men have been tried, convicted, and executed for it. If a multitude assemble with acts of violence to attain a general object, that is High

Treason of this sort. As for instance, I allude only to the determined instances in history: If men, uneasy at a law that empowers the affixing of wages, get together in a multitude, in order to raise them, that is levying war; if they have a mind to open all prisons, that is levying war; if, as in the reign of Queen Anne, they mean to destroy Protestant meeting-houses, against the Act of Toleration, that is High Treason; and however extraordinary it may appear to your ears, yet it is founded in strong reason. If their object is to destroy a thing that is bad in itself, though not permitted them to destroy, as in an insurrection, to destroy all bawdy-houses, that is High Treason. It is in your own memory, that people were executed in Yorkshire and Northumberland for resisting the execution of the Militia Act, that was High Treason; several men were executed for High Treason upon that account: and Lord Chief Justice Holt says, when they act in opposition to a law, by force and violence to have it repealed, for many of those cases were for acting barely in opposition to an act of toleration, in destroying meeting-houses; says he, it is by this violence that they mean to have it repealed, and the implication, therefore, is High Treason.

In the present case, there is no implication; but the ground that they go upon, if they can support it, and which is for your judgment, is, that the object was to force a repeal; and therefore, without any doubt or hesitation, I tell you, as the joint opinion of us all, that if this multitude assembled with intent, by acts of force and violence, to intimidate, to awe, to force, to induce, or to compel the King, Lords, and Commons to repeal an act, that is certainly High Treason.

The next thing that is proper to mention to you, because there were many points of law addressed to you not so properly; and that is, though the form of these indictments takes notice of drums and trumpets, and arms, and swords, and pikes, and guns, yet it is High Treason in such a multitude so assembled by force, for such a purpose, as I stated to you; whether there is a drum or a trumpet, whether there is a gun or a sword, or whether a man is killed or wounded, or not; the question is, whether the intent is by force to obtain that end? The laying the other circumstances in the indictment are mere matters of form.

Another proposition that is necessary for you to take with you as a clear ground, is this: Whoever counsels, incites, advises, encourages, or is aiding to such multitudes so assembled, with such intent, is equally a principal, and just as guilty as those who act.

Having stated these propositions to you, which will be the ground-work of your future deliberation, there is another thing that is proper shortly to be mentioned, because you have heard a great deal of it, which was not necessary to be gone into; and that is, whether the bill of Sir George Savile was wise or prudent, or the contrary, or, whether the repeal was wise or expedient, or the contrary? It is totally immaterial to the crime whether the grievance complained of be real or imaginary; whether the law that the multitude by force wants to change be a good law or a bad law; it is the force that tends to make the alteration, that constitutes the crime; and therefore it is totally immaterial whether it was a good or a bad law; it was not necessary to make that any part of this question; I therefore will avoid going into it. It is no act of toleration, I cannot dissemble; and where the safety of the state is not concerned, my own opinion is, That men should not be punished merely for worshipping God in their own way, or for mere matter of conscience, unless that matter of conscience is prejudicial to the state; that is the case of the Popish religion; and no man has ever defended the penal laws against them upon any other ground; but this is not a toleration, it only takes away one penalty out of many acts; they are still subject to all the penalties introduced in the reign of Queen Elizabeth, and yet you know Queen Elizabeth succeeded a cruel tyrant of the Popish religion. The great foundation of the reformation was established in her reign, she was exposed to many plots of assassination, in a particular manner excommunicated, and her dominions given away by the Pope; therefore the situation of the times, and the state of the country called for penal laws.—This act repeals no penalties enacted in the reign of James the First, and yet you know there was great provocation in that reign; it began with the Gunpowder Treason.—It repeals no law in the reign of Charles the Second, and yet you know there was a Popish plot against the King, and a jealousy held, by the then Court, of the Papists.—It respects no law in the reign of King William, though there was a change of Government from a Popish King, and a limitation to change the right of the Crown to another line, which made penal laws necessary.—It repeals one penalty only, that stands barely upon the Act of Indemnity. Therefore it is totally a misrepresentation to infer from argument, one way or the other, that it respects the safety of the Protestant, or is an introduction of the Popish religion. It is flattering religious zeal, fanaticism, and enthusiasm, in the minds of the deluded multitude, which, in the history of the world, have ever been the cause of infinite mischief, national ruin, and injustice. But, in this case, it is quite in-

different whether the repeal was right, or the law wrong, or the law right, and the repeal wrong; for whatever the law is, nothing can be so dishonourable to government as to be forced to repeal it; for then government has no authority whatever.

Having premised this, there is another thing which I shall now speak of to you; that is of a question made at the bar, whether it is lawful to attend a petition to the House of Commons with more than ten persons? You have been told there was an act in the reign of Charles II. which was made upon the experience of the consequences of tumultuous assemblies, under the pretence of carrying and supporting petitions, absolutely forbidding, under certain penalties, more than ten persons presenting a petition to the King, or either House of Parliament. It is a matter of consideration to know, whether that law is in force or not; and, till this day, I did not think there had any where been a doubt concerning it: for, in my apprehension, and I speak from the joint opinion of us all, there is not any colour for a doubt that this law is still in full force. The Bill of Rights in King William's reign did not meddle with it at all, nor mean to do it; for the Bill of Rights asserts that "It is the right of the subject to petition the King." That declaration alludes to the case of the Bishops in the reign of James the Second, who petitioned the King, and were committed for it; but the Bill of Rights nor any statute, does not say, you shall come with a multitude to repeal the Act of Charles the Second; and Judge Blackstone, in his Commentary, looks upon this Act to be in full force; we all take it to be a law in full force; and therefore as the law stood, it was an illegal act to attend this petition with more than ten persons.

Having premised these propositions and principles, it naturally comes to two points that the question upon this trial must resolve itself into; and these points are therefore for your consideration; and upon your determination of the fact of these two points, will depend the merits of the trial. The first is, whether the multitude assembled, and did acts of violences with intent to intimidate the Legislature, and to get them to repeal an Act? The second is, if that was the intent of the mob, and, if it appears to be the intent of the multitude, whether the prisoner at the bar was privy to such intent, was the cause of, incited it, or acted in promoting it? that is, Whether his intent appears in the part he took in regard to this assembled multitude, by intimidation to force the Legislature to get a repeal of this Act? Upon these two points, which call for your attention, depends the fate of this trial; for if the multitude had no such intent, that makes an end of the matter. If the prisoner did not concur in it, and was not the cause or inciter, nor took any part in it, it makes an end of it that way. Now, I observe, that most of you have taken notes; and therefore as to the first ground to which several witnesses who were called for the prosecution, which are not contradicted at all by the witnesses for the defendant, there seemed not to be any matter of dispute between them. There are certain facts, I will state in general from my memory; and I refer you to your own notes, that is as to the assembling of the mob, and what they did. When I come to the second point, I will state the evidence minutely and particularly. Now, it seems to be proved and admitted upon both sides, and not contradicted, that upon Friday the second of June last, 1780, a vast multitude, in different divisions, with standards flying, upon some of which were wrote, 'Protestant Association; upon others were wrote, 'No Popery,' and people with blue cockades, in different divisions, came from St. George's Fields through the city, down Fleet street, and down the Strand, and brought a petition with them to the House of Commons, to repeal this which they called Sir George Savile's Act; that when they got to the House of Commons, a part of them, as many as the lobby could hold, filled the lobby, and in George street, and in Palace-yard, they obstructed the Members of both Houses; that they used the Bishop of Lincoln very ill, that they used a Gentleman very ill, whom the mob took for Mr. Ellis, which was the same as if it was Mr. Ellis; that he made his escape through the Guildhall; that, they followed him through the house, breaking through to get at him; besides this, they used Lord Sandwich very ill; that the coaches were stopped of the Lords and Commons, who were forced to send to get soldiers to protect them; that the House of Lords and

Commons could not get free till the guards came; when the guards came, they went away; that the House of Commons wanted excessively to clear the lobby; that they had a question upon which they wanted to divide; that they were kept silent many hours, because they could not divide in the lobby; that the mob staid in the lobby, that the House of Commons adjourned the consideration of the petition till Tuesday; that on that night *this mob*, I do no mean to lay any particular stress upon this, you will take it a mob, with the cry of 'No Popery,' destroyed the Sardinian Ambassador's Chapel, and the Bavarian Ambassador's Chapel: The next day they destroyed some other Chapels and houses; Sunday they destroyed other Chapels and houses, some for being witnesses, some for being magistrates acting against them, and other causes, but particularly for their being houses of Papists; the number is not material; but this was done upon the Friday, as was mentioned to you; and upon the Sunday, and upon the Monday, and upon the Tuesday, another multitude came down with some standards, and with cockades in their hats to the House of Commons, who were that day to consider of these petitions, but from what mischief had happened before, they had reason to expect more mischief, and there were guards ready; so they did not get to the lobby. I pass over every thing relative to the prisoner, at present, for that will come under the second head. Upon the Wednesday the goals were broke open, and a great deal of other mischief done: In general, this seems to be the tendency of what is not controverted or disputed on either side; you will refer to your notes about it. I can save your time from going over the witnesses one by one, with regard to that point. But the second, which is the great question, Whether the prisoner at the bar was privy to, or was the cause of, or incited and encouraged it; whether he was the sole cause, or advised the tumultuous multitude to come down to the House of Commons, with a view to compel the Legislature to repeal the act; and upon that I will state to you the evidence, and make some observations upon it; but I shall leave them in general for you to make. The first witness that was called for the prosecution—[*Here his Lordship recapitulated the evidence upon the part of the prosecution.*] Being interrupted by the prisoner, and intreated to state the whole of Pierion's evidence, and another part respecting his desiring the people to make way for the Members; his Lordship said to the Jury, "If there are any circumstances which I omit, you will correct them by your own notes; and there are three Judges sitting by me; their notes are correct."

Upon the part of the prisoner they have called several witnesses, and they tend to shew that he did not send this assembly of people to the House of Commons. That he advised them not to go; that he advised them to be quiet and peaceable; that he did not keep them in the lobby, but told them to behave themselves as they ought to do; and that the mischief that was done was not done by any of the multitude that were assembled in St. George's fields, but by somebody else. Now I will state to you the whole of the evidence for the prisoner; and, upon that evidence you will make your own observations and applications, when you come to consider it among yourselves.—[*Here his Lordship stated the evidence accordingly.*] His Lordship then said:

This is the whole of the evidence; you will weigh the merit of both sides; and the question for you to determine is, whether this multitude, so assembled, went and acted, with intent to procure and cause a repeal of this act by intimidation, force, and violence; and, whether the prisoner had any share in that intent, in sending such a number of people down to the House of Commons, and in talking to them in the lobby, and in what passed thereafter, after the Tuesday: and every thing he said connected with the acts done; and whether he is guilty of this said intent and intimidation. If there was no intent of intimidation, either in the mob or prisoner, then he is to be acquitted. If you find he has any hand in inciting the people to commit those acts of violence, and that he intended it, you will find him guilty. If you are of opinion upon the evidence, that the scale hangs doubtful between them, then it should hang upon the favourable side.

The Jury, after retiring about half an hour, returned; and brought in their verdict, NOT GUILTY.

The Trial began on Monday Morning the Fifth of February, at Nine o'Clock; and ended on Tuesday Morning the Sixth, at Five o'Clock.

